

# Exhibit A16

1 SGT JOHN CRUDO: All right. Uh. So this  
2 interview is regarding OIS case 16-001. It's  
3 taking place at the Office of Internal Affairs  
4 Division on Wednesday, April 20th, uh, 2016 at  
5 approximately 10:05 hours. And, conducting this  
6 interview is Sergeant, uh, John Crudo, 1694, of the  
7 Internal Affairs Division. Assisting me in this  
8 interview from Internal Affairs is--

9 SGT DENNIS TOOMER: Sergeant Dennis Toomer,  
10 star 849.

11 SGT CRUDO: And the member being  
12 interviewed is--Officer, if you, for the record,  
13 state, uh, your rank, name, first and last, spell  
14 them and your star number?

15 OFFICER MICHAEL MELLONE: It's Officer Michael  
16 Mellone. M-I-C-H-A-E-L, M-E-L-L-O-N-E. Star 4249.

17 SGT CRUDO: And Officer Mellone is the  
18 named officer in this matter. Representing Officer  
19 Mellone is?

20 POA ATTY REP DON NOBLES: Don Nobles, um--

21 SGT CRUDO: Okay.

22 POA ATTY REP NOBLES: Actually, I'm an  
23 attorney for the San Francisco Police Officers  
24 Association.

25 SGT CRUDO: And no one else is present. So

1 Officer Mellone, have you read Department General  
2 Order, uh, 2.01, General Rules of Conduct, and in  
3 particular Rule 21, Cooperation with  
4 Investigations?

5 OFFICER MELLONE: Yes.

6 SGT CRUDO: And have you read Department  
7 General Order 2.08, Peace Officer Rights?

8 OFFICER MELLONE: Yes.

9 SGT CRUDO: And Officer Mellone, do you  
10 understand that this interview is being recorded?

11 OFFICER MELLONE: Yes.

12 SGT CRUDO: And because there could be  
13 criminal culpability on your part, I am advising  
14 that you have the right to remain silent. Anything  
15 you say, uh, may be used against you in a court of  
16 law. You have the right to the presence of an  
17 attorney before and during any questioning. If you  
18 cannot afford an attorney, one will be appointed  
19 for you free of charge before any questioning, if  
20 you want. Do you understand each of these rights  
21 as I have explained them to you?

22 OFFICER MELLONE: Yes.

23 SGT CRUDO: Are you prepared to be  
24 interviewed at this time?

25 OFFICER MELLONE: No.

1 SGT CRUDO: Although you have the right to  
2 remain silent and not incriminate yourself, your  
3 silence may be deemed insubordination and result in  
4 administrative discipline up to and including  
5 removal from office as a police officer. In  
6 Garritty vs. New York and reaffirmed in Gardner vs.  
7 Broderick, United States Supreme Court held that a  
8 public employee has the right to be free from  
9 compulsory self-incrimination. When an employee is  
10 compelled to provide a statement under the threat  
11 of removal from office, the statement cannot be  
12 used against the employee in a subsequent criminal  
13 prosecution. In Lybarger vs. the City of Los  
14 Angeles, the California Supreme Court held that  
15 although you may have the right to remain silent  
16 and not incriminate yourself, your silence may be  
17 deemed insubordination and as such result in the  
18 imposition of administrative discipline up to and  
19 including termination. Any statement made by you  
20 under the compulsion of such a threat cannot be  
21 used against you in a later criminal proceeding  
22 related to this incident. If you do [not] answer  
23 my questions, your statements and any information  
24 gathered by reason of such will be held  
25 confidential in accordance with California Penal



1 Code 832.7. Your statement and any information  
2 gathered shall not be divulged, except as required  
3 by law. Do you understand these court decisions?

4 OFFICER MELLONE: Yes.

5 SGT CRUDO: Do you--uh, are you familiar  
6 with the Public Safety Officer's Bill of Rights, as  
7 defined in the California Government Code?

8 OFFICER MELLONE: Yes.

9 SGT CRUDO: And do you understand your  
10 rights as a sworn police officer?

11 OFFICER MELLONE: Yes.

12 SGT CRUDO: Do you understand that I'm  
13 conducting an administrative investigation?

14 OFFICER MELLONE: Yes.

15 SGT CRUDO: Okay, Officer Mellone, my name  
16 is Sergeant John Crudo. I work for the Internal  
17 Affairs Division of the San Francisco Police  
18 Department. I have been designated by the Chief of  
19 Police to conduct this investigation. I am  
20 therefore ordering you to answer my questions. Do  
21 you understand this order?

22 OFFICER MELLONE: Yes.

23 SGT CRUDO: Officer Mellone, are you  
24 prepared to be interviewed at this time?

25 OFFICER MELLONE: Yes.

1 SGT CRUDO: You need to get somethin'?

2 OFFICER MELLONE: Uh, I was just, uh, making  
3 sure my phone was on silent. I apologize.

4 SGT CRUDO: The--the same thing while  
5 you're doing that, so--okay. All right. So, uh,  
6 uh, as you're aware, I monitored the voluntary  
7 interview that, uh, you--was conducted with the  
8 Homicide Detail. Um. On the morning of, uh, April  
9 8th, 2016. And you are provided a copy of the  
10 recording and transcript from that interview and  
11 instructed to review your criminal interview ahead  
12 of this interview. Have you had the opportunity to  
13 do so?

14 OFFICER MELLONE: Yes.

15 SGT CRUDO: Okay. It's not uncommon after  
16 a life-threatening encounter, your body works  
17 through, uh, natural release of adrenaline and  
18 other--uh, su--physiological reactions, additional  
19 things are remembered. Memories and perceptions  
20 become clear. Having reviewed your interview with  
21 Homicide [UNINTELLIGIBLE] investigators, is there  
22 anything you'd like to clarify, correct, amend or  
23 add regarding your prior statement?

24 OFFICER MELLONE: No.

25 SGT CRUDO: Okay. Um, prior to your

1 interview with the criminal investigators, did your  
2 review a video recording made on Shotwell Street on  
3 April 7th at approximately 10:00 hours?

4 OFFICER MELLONE: Yes.

5 SGT CRUDO: Okay. And, uh, I also  
6 understand that you attended the mandatory CERT  
7 debriefing?

8 OFFICER MELLONE: I did.

9 SGT CRUDO: And, uh, you--uh, recommended  
10 re-entry force option debriefing since this  
11 incident?

12 OFFICER MELLONE: Yes.

13 SGT CRUDO: Okay. And have you been  
14 exposed to any news coverage or social media or  
15 other information or speculation about the  
16 incident?

17 OFFICER MELLONE: Yes.

18 SGT CRUDO: All right. Um, the interview  
19 recordings, the transcripts that you were provided  
20 just like the video you were shown by the criminal  
21 investigators, uh, are intended to help you refresh  
22 your memory and to--as the DA put it, uh, recall  
23 events more clearly, um, in a letter to the Police  
24 Commission, um, as you perceived them, at the time  
25 of the incident. So it's important that you answer

1 questions in our interview based on what you recall  
2 from your first-hand observations, perceptions, and  
3 recollections of the events as you processed them  
4 on the morning of the incident, April 7th, rather  
5 than any information or hearsay that you may have  
6 been exposed to since that incident. Do you  
7 understand?

8 OFFICER MELLONE: Yes.

9 SGT CRUDO: Okay. Briefly, in your words,  
10 why are you speaking to us today?

11 OFFICER MELLONE: Um, because I'm required  
12 to by Department policy and--um--I want to, uh,  
13 insure that--that your investigation is--carried  
14 out.

15 SGT CRUDO: Okay, now and--and we're  
16 investigating what?

17 OFFICER MELLONE: The Officer-Involved  
18 Shooting.

19 SGT CRUDO: Okay. And are you currently  
20 under the influence of any controlled substances,  
21 including prescription medications that may affect  
22 your ability to complete this interview?

23 OFFICER MELLONE: No.

24 SGT CRUDO: And, uh, how do you feel about  
25 speaking with me about the incident?

1 OFFICER MELLONE: Good.

2 SGT CRUDO: Okay. Do you have any, uh,  
3 specific--do you have a specific and independent  
4 recollection, then, of what transpired on the  
5 morning of April 7th in the area of the 400 block  
6 of Shotwell between 18th and 19th Streets?

7 OFFICER MELLONE: Yes.

8 SGT CRUDO: Okay. Uh, so before we get  
9 into the interview, I just want to confirm or  
10 expand on some of the background that you provided  
11 during the interview with--with the Homicide  
12 Detail. Um, you said that you entered the  
13 Department in May 2012.

14 OFFICER MELLONE: Correct.

15 SGT CRUDO: And I got a little confused as  
16 you were kind of going through your other--your  
17 other, uh--positions in law enforcement agencies.  
18 So just kind of chronologically, uh, beginning with  
19 your first sworn officer position, can you walk me  
20 through the agencies that you've been in?

21 OFFICER MELLONE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 SGT CRUDO: So you have--  
8 OFFICER MELLONE: This is my 13--  
9 SGT CRUDO: 13 years.  
10 OFFICER MELLONE: This is my 14th year.  
11 SGT CRUDO: Yeah, okay. Do you have prior  
12 military experience?  
13 OFFICER MELLONE: No.  
14 SGT CRUDO: Okay. How tall are you?  
15 OFFICER MELLONE: 6'1".  
16 SGT CRUDO: How--how much do you weigh?  
17 OFFICER MELLONE: Uh, 220.  
18 SGT CRUDO: Um, do you wear prescription  
19 lenses?  
20 OFFICER MELLONE: No.  
21 SGT CRUDO: [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]  
29 [REDACTED]  
30 [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED]  
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED]  
7 OFFICER MELLONE: [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED]  
12 SGT CRUDO: Okay. Uh, when was the last  
13 time, if you recall, that you might have consumed  
14 alcohol prior to the incident?  
15 OFFICER MELLONE: Yeah. I had a glass of  
16 wine the--uh, the night prior.  
17 SGT CRUDO: One glass?  
18 OFFICER MELLONE: Uh--to--to my  
19 recollection, yeah, it was--it wasn't more than a  
20 glass. I usually don't drink more than a glass.  
21 SGT CRUDO: Okay. And how much sleep did  
22 you have the night before?  
23 OFFICER MELLONE: Uh, about 7 hours.  
24 SGT CRUDO: Uh, do you remember what time  
25 you got up that day?

1 OFFICER MELLONE: Uh, probably around 3:30  
2 in the morning.  
3 SGT CRUDO: Is that your normal time?  
4 OFFICER MELLONE: Yeah.  
5 SGT CRUDO: Do you recall if you had an  
6 opportunity to eat before this thing happened?  
7 OFFICER MELLONE: Yeah.  
8 SGT CRUDO: Do you remember what you ate?  
9 OFFICER MELLONE: No.  
10 SGT CRUDO: Okay.  
11 OFFICER MELLONE: Just the standard  
12 [UNINTELLIGIBLE]--  
13 SGT CRUDO: But you did eat. Okay. Um.  
14 And you said you're currently assigned to patrol at  
15 Mission Station. Right?  
16 OFFICER MELLONE: Yes.  
17 SGT CRUDO: And--and you were assigned  
18 obviously in that capacity on that--on April 7th.  
19 OFFICER MELLONE: Yes.  
20 SGT CRUDO: And your call sign was, uh, 3  
21 David 11 Adam.  
22 OFFICER MELLONE: Yes.  
23 SGT CRUDO: Okay. Is the one-car kind of a  
24 regular sector for you or--  
25 OFFICER MELLONE: No. It's not.



1 SGT CRUDO: Uh, and then your normal shift,  
2 uh, you said is 06 to 16?  
3 OFFICER MELLONE: Yes, sir.  
4 SGT CRUDO: Those were the hours you were  
5 working that day.  
6 OFFICER MELLONE: Yes.  
7 SGT CRUDO: Okay. Do know what watch off  
8 group you are?  
9 OFFICER MELLONE: 4.  
10 SGT CRUDO: Okay. And then you said that  
11 you've worked at Mission District Station for about  
12 2--2 years?  
13 OFFICER MELLONE: Yes.  
14 SGT CRUDO: Roughly 2 years. And then, um,  
15 has all that time been patrol?  
16 OFFICER MELLONE: Yes.  
17 SGT CRUDO: Okay. And then you also said  
18 you an FTL. Okay. So--uh, you've--you've had, uh--  
19 -additional trainer training, you know, obviously,  
20 that other folks in our Department may not have had  
21 as a--as a function of your work in other agencies.  
22 So just--if you kind of give me--a walk-through,  
23 um, of your law enforcement career with respect to  
24 your assignment. I'm trying to get a--you know, an  
25 idea of kind the--the--your--the--the scope of your

1 experience. Um. But I know Captain Perez said  
2 that--that you'd been a detective in Antioch.

3 OFFICER MELLONE: Yes.

4 SGT CRUDO: And you--you've done some  
5 things that are atypical for SFPD patrol. You've  
6 got additional experience. So if you don't mind,  
7 can you just kind of--ideally chronologically but  
8 to the best of your ability, kind of walk me  
9 through the functions of patrol investigations,  
10 different things that you've had in the course of  
11 your career.

12 OFFICER MELLONE: Uh, as far as my--I--I  
13 have both non-sworn and sworn career so I'll just  
14 focus on the sworn career, um, it--I--I've worked  
15 patrol in Oakland and Richmond. It's pretty, uh,  
16 it's just standard patrol, probably similar to what  
17 you would expect patrol to be here. When I went to  
18 Antioch, I worked on a, um--a street crimes gang  
19 unit for about a year, that just focused on problem  
20 policing and--and gang issues. And then, uh, I was  
21 a violent crime/robbery/homicide/felony assault  
22 detective for about three years. And--um--did a  
23 lot of, uh, investigations, apprehension, search  
24 warrants, uh, cell phone tracking, violent--you  
25 know, violent suspect apprehension. Things like

1 that. I was a field training officer in Antioch.  
2 Um. And then when I came over here, I worked  
3 patrol and, uh, became field training officer right  
4 off probation. And worked at, uh, Southern Station  
5 and--for my probation station and then worked at,  
6 uh, Mission as my permanent. And--

7 SGT CRUDO: Where--where did you train?

8 OFFICER MELLONE: Uh, Bayview.

9 SGT CRUDO: Sorry, uh, we're pausing to  
10 make notes, so.

11 OFFICER MELLONE: No, I think--I think  
12 that's pretty much it.

13 SGT CRUDO: Okay. Um, and then you said  
14 you're--you're CIT trained.

15 OFFICER MELLONE: Uh, yeah, I have a CIT  
16 training, um--that I went through with San  
17 Francisco.

18 SGT CRUDO: And--and that's the 80-hour  
19 course? Or the--uh--40-hour course?

20 OFFICER MELLONE: I think it's a 40-hour  
21 course--

22 SGT CRUDO: Okay.

23 OFFICER MELLONE: Yeah. I don't recall it  
24 being longer than a week.

25 SGT CRUDO: Okay. And then do you know

1 when--  
2 OFFICER MELLONE: Yeah.  
3 SGT CRUDO: You would have had that?  
4 OFFICER MELLONE: I think it was during my  
5 probation period? Um. So maybe 2013 or 2014  
6 maybe?  
7 SGT CRUDO: Okay.  
8 OFFICER MELLONE: It was right when it first  
9 came out, I think.  
10 SGT CRUDO: And I--I--I believe you said,  
11 um, I think that--in your Homicide interview when  
12 you were talking about your transition to--uh, from  
13 the ERIW, that you're rifle-trained?  
14 OFFICER MELLONE: Yes.  
15 SGT CRUDO: Okay. Is that--did--did you--  
16 initially train with San Francisco or did you train  
17 prior to that?  
18 OFFICER MELLONE: Uh, I had rifle-training  
19 prior to that but, uh--prior to carrying a rifle  
20 here, I went through the Department training.  
21 SGT CRUDO: Hm.  
22 OFFICER MELLONE: At the airport.  
23 SGT CRUDO: Where were you initially rifle-  
24 trained?  
25 OFFICER MELLONE: [REDACTED]

1 SGT CRUDO: Okay. Uh, when was the last  
2 time you qualified with your rifle? If you recall,  
3 you don't recall.

4 OFFICER MELLONE: I don't remember. It was--  
5 -it was, you know, I guess it was within the  
6 standard--um, 6-month period.

7 SGT CRUDO: Do happen to have a CERT  
8 number?

9 OFFICER MELLONE: No.

10 SGT CRUDO: Okay. Do you speak any other  
11 languages?

12 OFFICER MELLONE: Um, I'm not certified.  
13 No, I--

14 SGT CRUDO: What do you speak?

15 OFFICER MELLONE: I speak a--a very basic  
16 level of Spanish.

17 SGT CRUDO: Anything else?

18 OFFICER MELLONE: No.

19 SGT CRUDO: Um. Do you remember the last  
20 you attended AO?

21 OFFICER MELLONE: I think I went last year.

22 SGT CRUDO: Okay. So you're current?

23 OFFICER MELLONE: Yes.

24 SGT CRUDO: Uh, not counting the--the  
25 debriefing, when was the last time you qualified at

1 the range?

2 OFFICER MELLONE: So my month is next month  
3 so it would have been, uh--where it's--I think  
4 November?

5 SGT CRUDO: November.

6 OFFICER MELLONE: Yeah, I think it was--

7 SGT CRUDO: And it's--

8 OFFICER MELLONE: I think it was November--

9 SGT CRUDO: And it was in the same cycle.

10 OFFICER MELLONE: Yeah, I think I went in  
11 November.

12 SGT CRUDO: Okay.

13 OFFICER MELLONE: So that would have been  
14 the same time I did the rifle, I did it--

15 SGT CRUDO: So you--like myself, then you--  
16 then you went through the old course, not this new--  
17 -the new 10-hour--

18 OFFICER MELLONE: I went to the old course.  
19 There was an issue, uh, they'd closed the airport  
20 range because of mold. So I was--actually I think  
21 I got extended to December. If--if I'm not  
22 mistaken 'cause there was a--a mold issue at the,  
23 uh, at the [UNINTELLIGIBLE] at the airport range.

24 SGT CRUDO: Did you qualify with the ERIW  
25 at that time?

1 OFFICER MELLONE: Gosh, I did do some ERIW  
2 shooting--sometime last year. I don't know if that  
3 was--if we did do it then or it was the other  
4 cycle. I--I think so. I think we did.

5 SGT CRUDO: But you--you've done it within  
6 the last 12 months--

7 OFFICER MELLONE: Yeah.

8 SGT CRUDO: You'd done your re--

9 OFFICER MELLONE: Yeah, absolutely.

10 SGT CRUDO: Requalification--okay. And  
11 then just, um--talked a little bit about experience  
12 including what you've done outside of this  
13 Department, um, as far as training. You know, you  
14 mentioned you're an FTO, um, you mentioned you were  
15 a detective. I imagine that--that you've probably  
16 gone to ICI. Um, can you kind of give me a sense  
17 of--uh, to the best of your ability, some of the--  
18 the specialized training or, uh, training path?

19 OFFICER MELLONE: There's a lot, uh, I'll  
20 try to bridge it. Um, I--I've been to, uh--I guess  
21 you would call it the 11-550 training here. I've  
22 been to Basic and Advanced Drug Abuse Recognition.  
23 Um. Which is like an 11-550 certification on the  
24 East Bay. Um. I've been to, uh, ICI Corps Robbery  
25 and Homicide Schools. I've been to Interview and

1 Interrogation, Basic and Advanced. Uh. I've--I'm  
2 a DE--a drug--a DRE. Uh, Drug Recognition Expert.  
3 Just went through that last year. Uh, two FTO  
4 certifications. Um. ARIDE for--for DUI. Um, I  
5 have a lot of specialized training in--in Drug  
6 Influence Recognition and DUI, uh, related stuff.  
7 Uh, went through like a Suicide Prevention training  
8 here. Uh, the CIT obviously. Um. What else, what  
9 else, what else? Fire Tap Squad. Been to a lot of  
10 different trainings. [LAUGH] Those are the  
11 highlights.

12 SGT CRUDO: Okay. On this incident, April  
13 7th, uh, you said you were wearing your Class B  
14 uniform, I believe?

15 OFFICER MELLONE: Yeah.

16 SGT CRUDO: Okay. Do you remember a short-  
17 or long-sleeves?

18 OFFICER MELLONE: Short-sleeve?

19 SGT CRUDO: Okay.

20 OFFICER MELLONE: Yeah. Um, it's always--

21 SGT CRUDO: Is it--you normally in short-  
22 sleeved?

23 OFFICER MELLONE: Yeah.

24 SGT CRUDO: Like myself. Um. Was that the  
25 outer layer that you were wearing at the time of



1 the incident?

2 OFFICER MELLONE: Yes.

3 SGT CRUDO: Okay. So no jacket. Um. Your  
4 shirt was adorned with the star, patches, your  
5 identification?

6 OFFICER MELLONE: Yes.

7 SGT CRUDO: Okay. And then--I believe that  
8 you went back to Mission Station after the  
9 incident?

10 OFFICER MELLONE: Yes.

11 SGT CRUDO: Um. Did CSI photograph you at  
12 Mission Station wearing that attire?

13 OFFICER MELLONE: Yes.

14 SGT CRUDO: That you have. Okay. And, uh,  
15 so the photo that they took, would that have  
16 captured the stars and patches as you were wearing  
17 them?

18 OFFICER MELLONE: Yes.

19 SGT CRUDO: At the time of the incident.  
20 Okay. And then, um, I just want to kind of go  
21 through the personal equipment you--you were  
22 carrying at the time. Uh, for communication? What  
23 you have?

24 OFFICER MELLONE: Um, I had the, uh--the  
25 Department-issued portable radio.

1 SGT CRUDO: Uh--  
2 OFFICER MELLONE: PIC, I guess you guys call  
3 it.  
4 SGT CRUDO: That you have, we call it.  
5 Yeah.  
6 OFFICER MELLONE: Yeah. [LAUGH]  
7 SGT CRUDO: Uh, OC?  
8 OFFICER MELLONE: Yes.  
9 SGT CRUDO: Uh, your extra magazines?  
10 OFFICER MELLONE: Yeah, had, uh, two extra  
11 magazines in addition to the one that--  
12 SGT CRUDO: Fully loaded?  
13 OFFICER MELLONE: Yes.  
14 SGT CRUDO: With, uh, 12?  
15 OFFICER MELLONE: Yes.  
16 SGT CRUDO: Um, handcuffs or restraints?  
17 OFFICER MELLONE: Uh, two size.  
18 SGT CRUDO: Both handcuffs?  
19 OFFICER MELLONE: Yes.  
20 SGT CRUDO: Okay. Uh, impact weapon?  
21 OFFICER MELLONE: I carry a--um--I forgot  
22 the brand name but it's a--that--that--that newer,  
23 like, telescoping--extent--expandable baton?  
24 Forgot the brand.  
25 SGT CRUDO: Okay. I know we have several

1 that are--

2 OFFICER MELLONE: Yeah, it's--it's the  
3 newest--

4 SGT CRUDO: [Offers.]

5 OFFICER MELLONE: One.

6 SGT CRUDO: Okay. Are you right- or left-  
7 handed?

8 OFFICER MELLONE: Right.

9 SGT CRUDO: And that's your dominant hand  
10 for firearms, for range purposes then?

11 OFFICER MELLONE: Yes.

12 SGT CRUDO: Okay. Um. You have the Sig  
13 226? The--the larger frame?

14 OFFICER MELLONE: Yes.

15 SGT CRUDO: All right. And that's what--  
16 obviously what you were carrying on the day of the  
17 incident?

18 OFFICER MELLONE: Yes.

19 SGT CRUDO: Uh, and the, uh--Department-  
20 issued firearm you were carrying, the Sig 226, was  
21 it fully loaded?

22 OFFICER MELLONE: Yes.

23 SGT CRUDO: Cartridge in the chamber?

24 OFFICER MELLONE: Yes.

25 SGT CRUDO: Full magazine and weapon?

1 OFFICER MELLONE: Yes.

2 SGT CRUDO: How many rounds in the

3 magazine?

4 OFFICER MELLONE: 12.

5 SGT CRUDO: Do you have any modifications

6 or accessories on that weapon?

7 OFFICER MELLONE: Yes.

8 SGT CRUDO: What do you have?

9 OFFICER MELLONE: I have a [Ho] grip.

10 SGT CRUDO: And, uh, anything else?

11 OFFICER MELLONE: No.

12 SGT CRUDO: Who put on the grip?

13 OFFICER MELLONE: Uh, somebody at the range.

14 SGT CRUDO: Okay. Uh, we talked about your

15 magazines. Did--did CSI collect your spare

16 magazines? Are you aware if they collected--

17 OFFICER MELLONE: They did.

18 SGT CRUDO: Do you carry a personal or

19 secondary weapon on-duty?

20 OFFICER MELLONE: No.

21 SGT CRUDO: Okay. Uh, were you carrying

22 one at the time of the incident?

23 OFFICER MELLONE: No.

24 SGT CRUDO: Um, did you have other personal

25 gear on your person, knife, a hobble, anything

1 else? Uh--

2 OFFICER MELLONE: Um, I don't--uh, I didn't

3 have a knife. Um. Just, you know, I had a

4 flashlight and, uh--what else did I carry? Pistol.

5 Magazines. Handcuffs, radio, flashlight. That's

6 all I can think of.

7 SGT CRUDO: Okay.

8 OFFICER MELLONE: Oh, yeah, a key ring. Um.

9 A silent key ring. Handcuff key.

10 SGT CRUDO: Okay. Um. And then you said

11 you were driving a Crown Vic.

12 OFFICER MELLONE: Yes.

13 SGT CRUDO: And you said number 95.

14 OFFICER MELLONE: Yes. 095.

15 SGT CRUDO: Okay. And, uh, I presume

16 that's a marked black-and-white police vehicle

17 radio car's [in that call]?

18 OFFICER MELLONE: Yes, it is.

19 SGT CRUDO: Okay. And so does it--is it

20 equipped with the red-and-blue emergency lights?

21 OFFICER MELLONE: Yes.

22 SGT CRUDO: And alley light and/or

23 spotlights?

24 OFFICER MELLONE: Yes.

25 SGT CRUDO: And it's got a radio on board?

1 OFFICER MELLONE: Yes.

2 SGT CRUDO: Was it working?

3 OFFICER MELLONE: Yeah.

4 SGT CRUDO: Okay. Um--computer?

5 OFFICER MELLONE: Yes.

6 SGT CRUDO: Okay. Any other force options

7 in the vehicle? Obviously had an ERIW. Um. Do

8 you have a rifle, spike strips, anything else

9 you're carrying at the time?

10 OFFICER MELLONE: Uh, we--yeah, there was a

11 rifle in there. And--I don't know if we had spike

12 strips or not. I--I had a recruit that day. I'

13 not sure if he checked it out.

14 SGT CRUDO: Does he generally pack the car?

15 I mean, I--I'm assuming that--

16 OFFICER MELLONE: I had just tran--I had

17 just transitioned. He--I had only had him for a

18 few days. My previous recruit always brought out

19 spike strips but I don't--I can't say for sure--

20 SGT CRUDO: Okay.

21 OFFICER MELLONE: Yeah.

22 SGT CRUDO: Fair enough. And just to

23 confirm, was anyone with you at the time?

24 OFFICER MELLONE: No.

25 SGT CRUDO: Okay. So you said that your

1 recruit is a Pio Bernales?

2 OFFICER MELLONE: Yes. He's since resigned.

3 SGT CRUDO: Oh, okay. Star number 667,

4 okay.

5 OFFICER MELLONE: Yes.

6 SGT CRUDO: And he was at the Company, um,

7 at the time this call came out.

8 OFFICER MELLONE: Yes.

9 SGT CRUDO: What was he tending to?

10 OFFICER MELLONE: Uh, I had directed him to

11 write a memorandum to the Field Training Office

12 regarding a--performance issue that he was having.

13 SGT CRUDO: What phase was he in?

14 OFFICER MELLONE: Third.

15 SGT CRUDO: So--on the morning of April

16 7th, you responded to a call of a person with a

17 knife at 17th and Shotwell.

18 OFFICER MELLONE: Yes.

19 SGT CRUDO: All right. And are you

20 familiar with the area of Shotwell that is--this

21 quarter of Shotwell, roughly between 17th and 20th?

22 17th and 19th Street?

23 OFFICER MELLONE: Very.

24 SGT CRUDO: Okay. How come?

25 OFFICER MELLONE: I respond to calls there

1 on a regular basis.

2 SGT CRUDO: And can you describe for me the  
3 kind of law enforcement issues, uh, how you might  
4 be--what type of calls you would respond to or--how  
5 you're familiar with this from a law enforcement  
6 perspective, this area?

7 OFFICER MELLONE: Uh, I've responded to  
8 everything from bicycle thefts, uh, the majority of  
9 the calls are, uh, complaints about transients  
10 camping on the sidewalk, using drugs, fighting.  
11 Um, blocking the sidewalk, public urination. Um,  
12 lot of drug usage. Illegal encampments.

13 SGT CRUDO: Mostly quality of life issues,  
14 it sounds like.

15 OFFICER MELLONE: Uh, the majority, yeah.

16 SGT CRUDO: At--in your time, uh, at  
17 Mission, have you worked mostly this shift? This  
18 06--06 to 16?

19 OFFICER MELLONE: No, swings.

20 SGT CRUDO: Okay. Swings. And was it kind  
21 of the same situation later in the day as well?

22 OFFICER MELLONE: Yes.

23 SGT CRUDO: Okay. Have you worked  
24 midnights there?

25 OFFICER MELLONE: No.



1 SGT CRUDO: Okay. Do--does--does--is one  
2 of the things is like a 24/7 problem there? Is 24-  
3 -a 24/7 issues, same kind of issues, day and night?

4 OFFICER MELLONE: It's a--it's a--it's a  
5 huge district problem but it seems to be  
6 concentrated in--in that, uh, Shotwell, Capp,  
7 Division area.

8 SGT CRUDO: Okay. And then, um, so--just  
9 going back to the, uh, the statement that you gave  
10 to Homicide, um, I say Homicide interview. It's a-  
11 -the criminal interview. DA was present as well  
12 and--and participated in that interview so if I say  
13 "Homicide interview", the one I'm referring to, the  
14 criminal interview. But, um, after reviewing it,  
15 um, is the narrative that you gave, do you--do you--  
16 -feel it's an accurate recounting of your  
17 observations and perceptions approximately 10--  
18 10:00 hours on the day of, uh, April 7th?

19 OFFICER MELLONE: Yes.

20 SGT CRUDO: Okay. And again, anything that  
21 you need to clarify or make clear after reviewing  
22 that?

23 OFFICER MELLONE: No.

24 SGT CRUDO: Okay. And then since you--  
25 you'd already given a complete voluntary statement

1 to criminal investigators, uh, I'd like to try and  
2 avoid asking a lot of redundant questions so, um,  
3 you know I'm--I'm gonna keep a copy--I've got a  
4 copy of the transcript here for you to refer to or  
5 me to refer to if it becomes helpful. But, um, I'm  
6 gonna--you know, ask you more clarifying questions,  
7 things I didn't understand, things that maybe  
8 weren't asked in that interview.

9 OFFICER MELLONE: Sure.

10 SGT CRUDO: Um. 'Cause you--you're with  
11 the statement [UNINTELLIGIBLE]. So--um, and just  
12 sort of--to, uh, to help. This is useful for me  
13 because I can--uh, these interviews we kind of get  
14 into movement, dynamics, things like that. And you  
15 kind of--I got these two images bring out for your  
16 reference, and my reference, as we go through this.  
17 The first is labeled number 1, upper left-hand  
18 corner, which is the north side. And that's just a  
19 Google map, okay?

20 OFFICER MELLONE: Okay.

21 SGT CRUDO: So, or a Google map image.  
22 And, uh, it's just for--it's a bird's eye  
23 perspective of the one-block area bounded by 18th  
24 to the north, 19th to the south, South Van Ness,  
25 and Shotwell. And, uh, um, this--it--it's

1 important to note that this is not taken at the  
2 time or take--time--nor date of you incident. And  
3 it doesn't reflect the conditions on April 7th.  
4 It's just to give us some geographic reference.  
5 Um, as we--as we talk today. So with that in mind,  
6 does this represent the area that you responded to  
7 on April 7th?

8 OFFICER MELLONE: Yes.

9 SGT CRUDO: Okay. And then the second one,  
10 which has the--the two in the upper corner, is a  
11 draft prepared by CSI. They're working on the  
12 final version of it but this is from the scene and  
13 I've redacted evidence that is pointed out and  
14 identified in the scene so, um, this is a to-scale,  
15 two-dimensional drawing and in--uh--and--and it's  
16 just intended to--to show, um, not exact distances,  
17 not exact locations, but relative positioning,  
18 movement, and it may be helpful for us and we kind  
19 of understand action and reaction during your--your  
20 encounter. So--does this correspond to the--your  
21 recollection of the scene? Is it roughly what you  
22 remember of the scene?

23 OFFICER MELLONE: Yes.

24 SGT CRUDO: As a two-dimensional, colorless  
25 image? Black-and-white image?

1 OFFICER MELLONE: Yes.

2 SGT CRUDO: Okay. Is there anything, as  
3 you look at it, that you think should be added or  
4 changed on the sketch? From your--from your  
5 memory?

6 OFFICER MELLONE: I mean, the only thing  
7 that I could really, if--if I was really gonna nit-  
8 pick is that there were cars parked all along the  
9 street.

10 SGT CRUDO: Okay.

11 OFFICER MELLONE: Um. The street was just--  
12 well, all the parking was all full.

13 SGT CRUDO: Okay, um, so--

14 OFFICER MELLONE: And then obviously there  
15 were tents and other--you know--

16 SGT CRUDO: Right.

17 OFFICER MELLONE: There was an encampment  
18 back here.

19 SGT CRUDO: Okay. Okay. So--you're  
20 pointing to the--to--north of the--the fourth tree  
21 where there--

22 OFFICER MELLONE: Yeah. There was like a  
23 medium-sized homeless encampment back here that was  
24 occupied. And then there were cars parked on both  
25 sides of the street.

1 SGT CRUDO: And--and your recollection that  
2 the cars were all the way--all the way down--  
3 OFFICER MELLONE: Oh, yeah--  
4 SGT CRUDO: The sides.  
5 OFFICER MELLONE: Yeah, there was no place  
6 to park.  
7 SGT CRUDO: Okay. All right.  
8 POA ATTY REP NOBLES: [WHISPERING]  
9 OFFICER MELLONE: Yes.  
10 POA ATTY REP NOBLES: Okay.  
11 SGT CRUDO: All right, in your, uh, in your  
12 interview, your Homicide interview--you were--you  
13 said that you had initially been at a suspicious  
14 person call, possibly casing vehicles at Florida  
15 and Treat earlier in the morning. And then you  
16 said you were at the station so when--the--222 call  
17 came out, the person with the knife, I get the  
18 impression you were actually at the station on  
19 follow-up from the casing call?  
20 OFFICER MELLONE: No, uh, I was at the  
21 station, uh, dealing with, um, some performance--  
22 performance issues with my recruit and I was  
23 talking to the FTO office about it. And a decision  
24 was made to, um, essentially, uh, bench my recruit  
25 at the station and refer him out to the Academy,

1 which is why I was by myself.

2 SGT CRUDO: Okay.

3 OFFICER MELLONE: And, um, I was dispatched  
4 to a, uh, like a 917 caser, like a suspicious  
5 person casing call. Um, I responded with a delay  
6 because I was dealing with those issues with my  
7 recruit. Um. And while I was responding to that  
8 call, this A Priority came out of the person waving  
9 the knife--

10 SGT CRUDO: Okay.

11 OFFICER MELLONE: So I--so I pre-empted from  
12 the--the other call was like a B.

13 SGT CRUDO: Okay.

14 OFFICER MELLONE: And I was very close to  
15 this call so I pre-empted and went to this call  
16 instead.

17 SGT CRUDO: Gotcha. And so--you said, uh,  
18 I think you said you were at 17th and Valencia?

19 OFFICER MELLONE: That's where I started the  
20 response, yeah.

21 SGT CRUDO: For--to--to 400 Shotwell.

22 OFFICER MELLONE: Yeah, when they came out  
23 with the dispatch, uh, I was at 17th and Valencia  
24 and I--I initiated a Code 3 response from there.

25 SGT CRUDO: Okay. So that's when you--you

1 pre-empted. You--you broke off the other call.

2 OFFICER MELLONE: Yes.

3 SGT CRUDO: Okay. And at that point you

4 were as a SAM.

5 OFFICER MELLONE: I was, yeah.

6 SGT CRUDO: Did you--did you notify, uh,

7 Dispatch that--that you were operating as a SAM at

8 that time?

9 OFFICER MELLONE: No.

10 SGT CRUDO: Okay. And, uh, and--and, uh--

11 in your Homicide interview, and--and--and--and

12 this--this information kind of spread in different

13 pieces, different parts of the interview but you

14 were talking about the initial call, the 911. You

15 said that you had information of--that the caller

16 was from the Homeless Outreach Team or the, uh, HOT

17 member.

18 OFFICER MELLONE: Yes.

19 SGT CRUDO: Uh, you mentioned that you had

20 a concern, hearing that the call, that somebody--

21 somebody could be hurt with the large knife, that--

22 that he--the sus--the suspect was waving?

23 OFFICER MELLONE: Yes.

24 SGT CRUDO: Um. Um, can you just kind of

25 elaborate--on that a little bit for me. I--I think

1 I understand what you meant. I--I understand what  
2 you're saying but--bottom line is this was an  
3 atypical person with a knife. Is that correct?

4 OFFICER MELLONE: Well, I think the first  
5 thing that I--a--when I read the call and I was  
6 trying to establish is who the--the person  
7 reporting the incident was 'cause--whether it was  
8 an anonymous person or it was actually being called  
9 in on 911? And it--so I could kind of formulate,  
10 you know, whether is this coming from a credible  
11 source or not? And then, uh, they said that it--it  
12 actually was coming from the Homeless Outreach  
13 Team, which is--it's--it's fairly rare that HOT  
14 calls us for--for--you know, issues like this  
15 'cause they're usually able to, um, deal with, um,  
16 a lot of situations, uh, on their own. So when  
17 they--when they called us reporting a person waving  
18 a knife, you know, I knew that it was an actual  
19 City employee that has--training and experience,  
20 you know, dealing with a lot of these types of  
21 situations so that's--the--the knife was described  
22 as being I think about 12 inches. And they said he  
23 was waving it around so that's why I made it a Code  
24 3 response because I was concerned that someone was  
25 gonna be hurt.



1           SGT CRUDO:       And--and as you were saying,  
2 not to put words in your mouth, but that this was  
3 coming from a--credible caller. So it's a--  
4           OFFICER MELLONE:   Yeah. It's coming from a  
5 City worker that is--that--that's used to dealing  
6 with, uh, people in crisis, essentially, on a  
7 regular is. They have--I know that they have a lot  
8 of their own training in how to deal with these  
9 situations so the fact that--that they had to call  
10 911 and--and get us there, it--it seemed like it  
11 was--it required an immediate police response.  
12 [LAUGH]  
13           SGT CRUDO:       Yeah, and--and in CAD, uh,  
14 there's a sergeant, too, he's monitoring, comes up  
15 on the air, acknowledges you're on your way from  
16 17th and Valencia.  
17           OFFICER MELLONE:   Yeah. Sergeant [Kaprash]  
18 acknowledged the Code 3 response and then, uh, I  
19 had an--another sergeant, uh, Sergeant Steger  
20 responded with me.  
21           SGT CRUDO:       And then, uh, you--you  
22 broadcast that you were carrying the ERIW?  
23           OFFICER MELLONE:   I couldn't get out on the  
24 air that--the air was really tied up. Um. I heard  
25 other unit responding with the ERIW. So I--I went

1 on scene and advised Dispatch that I was on scene  
2 in the area and I had an ERIW. That was my first  
3 opportunity to--to--to get out on the air.

4 SGT CRUDO: Okay, so you--you put it out  
5 that you--you did notify that you had--

6 OFFICER MELLONE: I did, yeah.

7 SGT CRUDO: Okay. Um. And then I--I--I  
8 understand that you--um--went through 15-234--De--  
9 Department Bulletin 15-234 which is--  
10 [UNINTELLIGIBLE] there--um, which is Extended Range  
11 Impact Weapon Guide Sheet and that kind of reviews  
12 the specifications and policies and procedures for  
13 ERIW. Um. There's a section in there, um,  
14 Procedure Precautions, that explains the safe and  
15 proper loading procedure. And--and you alluded--  
16 you talked about that a little bit in your  
17 interview. Um. You said that--that--that you--you  
18 discussed triple-checking the ERIW while letting  
19 the [sock rounds in] and that was done with Officer  
20 Bernales?

21 OFFICER MELLONE: Yes.

22 SGT CRUDO: Okay. Um. And was it in  
23 accordance with the loading procedure described in  
24 15-234?

25 OFFICER MELLONE: Yes. I always do that.

1 SGT CRUDO: Okay. Um. And then you said  
2 you arrived on the scene and couldn't find the  
3 suspect and that would be actually Shotwell and  
4 17th is where the call was initially reported from.  
5 Is that correct?

6 OFFICER MELLONE: Yeah, it was--it was  
7 initially reported there and so I went, uh,  
8 northbound on Shotwell and went all the way to  
9 16th. Um. Made a U-turn at 16th and started  
10 heading back to 17th, just kind of doing an area  
11 check. And then, uh, that's when I heard Sergeant  
12 Steger broadcast that--that he was being directed  
13 by HOT team to--the location where the individual  
14 was.

15 SGT CRUDO: Okay, so you--and you were in  
16 your vehicle while you were searching. This wasn't  
17 like a search on foot.

18 OFFICER MELLONE: Correct.

19 SGT CRUDO: Okay. And then--so you did  
20 your U-turn at 16th. Now you're heading once again  
21 southbound Shotwell?

22 OFFICER MELLONE: Southbound, yes.

23 SGT CRUDO: Okay. And then you heard  
24 Sergeant Steger. Um. So you were already heading  
25 southbound when you heard Sergeant Steger?

1       OFFICER MELLONE:     Yes. 'Cause, uh--I was  
2 about to--I--I was about to make a request for more  
3 info because we originally got it at 17th and  
4 Shotwell. Uh, but, you know, I kept hitting the  
5 recall on my CAD that--see if there was original  
6 details coming up and I think it was about that  
7 time that, uh, that--that we were learning that the  
8 person was closer to 19th Street.

9       SGT CRUDO:        Okay. And--just going back for  
10 a moment. Um. It's when you get to 17th and  
11 Shotwell, when you--when you initial--is that when  
12 you put--you're able to get air and say, you know,  
13 that's when you put out that you've got the ERIW  
14 and--

15       OFFICER MELLONE:    Yeah. I wasn't able to  
16 get out on the air at all and, uh--'cause I  
17 remember I was--I remember thinking to myself, you  
18 know, I wanted to tell them that I had a ERIW. I  
19 heard other units saying that they were responding  
20 with it. But I had it as well. So when I went 97  
21 on the air, I told Dispatch that I had it.

22       SGT CRUDO:        Okay. Um. So--you're going  
23 south on Shotwell. Uh, Sergeant Steger has  
24 directed you towards 19th. Says it's closer to  
25 there.

1 OFFICER MELLONE: Yeah, he--he said on the  
2 radio that, um, the RP or somebody was come--  
3 directing him closer to 19th Street.

4 SGT CRUDO: Okay. Um. And then you make  
5 it to Shotwell and, uh, southbound, you--you ended  
6 up parking between 18th and 19th--

7 OFFICER MELLONE: Yes.

8 SGT CRUDO: On Shotwell. Roughly mid-  
9 block. Kind of--somewhat represented here on this  
10 number 2.

11 OFFICER MELLONE: Yes.

12 SGT CRUDO: Okay. Um. You said in your  
13 Homicide interview, you saw Sergeant Steger in--in  
14 your rearview mirror. What--so that's before you  
15 got out of the car?

16 OFFICER MELLONE: Yeah, I knew he was right  
17 behind me.

18 SGT CRUDO: Okay. Um. And had--why was it  
19 that you stopped in this particular area?

20 OFFICER MELLONE: I saw, um, somebody parked  
21 at the intersection of Shotwell and 19th. He was  
22 facing southbound. And he was parked right at the  
23 stop sign. He was double-parked. And he was  
24 standing outside of his car. And he was waving his  
25 arms at me like he was trying to flag me down. And

1 he was pointing at the, uh, east sidewalk of  
2 Shotwell. He was making these really exaggerated--  
3 like he looked like he was really trying to get my  
4 attention. And he--he kept repeatedly pointing at  
5 the sidewalk. So, um, it--it appeared to me that  
6 he was trying to--he was either one of the RPs or  
7 he was trying to direct me to where the person was.

8 SGT CRUDO: Based on what you were  
9 responding to totality, you see that. What--what  
10 does that indicated to you?

11 OFFICER MELLONE: Um, I thought the person  
12 was telling me that that's where the individual  
13 with the knife was. I couldn't see him because  
14 there were cars parked all along the street.

15 SGT CRUDO: And you're--you're pointing to  
16 the--the eastbound--

17 OFFICER MELLONE: It's be the east curve  
18 line, yeah--

19 SGT CRUDO: Yeah.

20 OFFICER MELLONE: On Shotwell.

21 SGT CRUDO: Eastbound. You have your  
22 [UNINTELLIGIBLE] points. All right. Thank you.  
23 Um. Did--you--you mentioned Sergeant Steger. Did  
24 you see any HOT person, uh, the HOT--uh, Homeless  
25 Outreach Team, did you see any of those personnel

1 in the area?

2 OFFICER MELLONE: Yeah, uh, it's actually my  
3 belief that the person standing at--outside his car  
4 double-parked, um, was from HOT.

5 SGT CRUDO: Did you notice what kind of car  
6 it was?

7 OFFICER MELLONE: It was a gray car and he  
8 was a tall Caucasian male. Um. I--I want to--I  
9 thought he was wearing something--I mean, I  
10 couldn't tell from my vantage point but it looked  
11 like he was wearing like what HOT normally wears.

12 SGT CRUDO: Okay. They--they have some  
13 kind of uniform or they--

14 OFFICER MELLONE: I think so, yeah. I  
15 think--I'm not 100 percent sure.

16 SGT CRUDO: Do you notice what kind of car?  
17 Do you remember it was a--even a big car, small  
18 car, what kind of car it might have been?

19 OFFICER MELLONE: No, it was like a medium-  
20 sized. I--I think it was a Honda. Hm.

21 SGT CRUDO: So--in your--in your interview  
22 then you said--parked your car, you got out of the  
23 car with the ERIW and you saw the suspect.

24 OFFICER MELLONE: Yes.

25 SGT CRUDO: Okay. Um. Did you--did you

1 speak to anyone or anyone speak to you as you got  
2 out of the car, you know, in that period of time  
3 between getting out of the car and recognizing  
4 that's the suspect?

5 OFFICER MELLONE: No. I mean, as soon as I  
6 got on the other side of these cars and saw that he  
7 had the large knife in his hand. Um, I immediately  
8 started giving him verbal commands. It would--you  
9 know, to--it was my intention to--I was gonna try  
10 to prone him out on the ground.

11 SGT CRUDO: So as soon as you cleared the--  
12 the cars parked on that east curb line, get to the  
13 sidewalk, it's up--it's--he's very visible to you.

14 OFFICER MELLONE: Yes.

15 SGT CRUDO: Okay. And how did you  
16 initially retrieve or carry the ERIW?

17 OFFICER MELLONE: Uh, I just carried it out  
18 of the car with me. It was in the front.

19 SGT CRUDO: Was it--was it like [port arms]  
20 or how did you carry it?

21 OFFICER MELLONE: Um, yeah, it was [port  
22 arms]. I didn't have it slung or anything like  
23 that.

24 SGT CRUDO: So taking [any] grip barrel up?

25 OFFICER MELLONE: Yes.



1           SGT CRUDO:       And then as you first got out  
2 of the car, um, you described the--the person you  
3 believed to be a HOT member directing you in a--in  
4 an area. But let me ask you. Where were you  
5 headed when you first got out of the car? What was  
6 your initial movement to?

7           OFFICER MELLONE:   Um, well, I--I--I was  
8 gonna get out on foot and start checkin' the  
9 sidewalk because it was--it was difficult to see  
10 from the pro--the low profile, the--the--the patrol  
11 sedan, you can't really see, um, onto the sidewalk  
12 and I was also gonna check--there was a homeless  
13 encampment, um, in that block so I wasn't sure if  
14 the suspect--or the individual was in that  
15 encampment or if he was hiding between cars. Uh,  
16 or where he was at exactly. But as I was driving  
17 southbound, uh, this person kind of waving me down  
18 like this and he was pointing like this, very  
19 exaggerated. It kind of, uh--focused where I was  
20 gonna, you know, look for the person.

21          SGT CRUDO:       Did--did you see Sergeant  
22 Steger get out of his car?

23          OFFICER MELLONE:   Yeah.

24          SGT CRUDO:       Was that--how--how did you--how  
25 did you see that? Was it kind of peripherally, he

1 was getting out at the same time or--  
2 OFFICER MELLONE: Yeah.  
3 SGT CRUDO: Did Sergeant Steger say  
4 anything to you?  
5 OFFICER MELLONE: Not that I recall.  
6 SGT CRUDO: So--and--and I--and I think  
7 you've touched on this already but you--you said  
8 you saw exactly where the suspect was when--when  
9 you got to the sidewalk. So--where--relatively  
10 speaking, this--on this--this diagram. This is the  
11 PG&E roll-up doors and there are these trees here.  
12 This is the truck where this thing kind of ended  
13 up. Where approximately did you see this--let me  
14 give you this 'cause it'll show--  
15 OFFICER MELLONE: Sure.  
16 SGT CRUDO: Um, that's the small end of  
17 this pen and there's a big end so if you just put a  
18 triangle where you--where you saw him--  
19 OFFICER MELLONE: Triangle?  
20 SGT CRUDO: Yeah.  
21 OFFICER MELLONE: Okay. I think he was  
22 right about here.  
23 SGT CRUDO: Okay. Um. So that's kind of  
24 near the--the--north side of the north roll-up door  
25 of the PG&E thing. Somewhere in that area.

1 OFFICER MELLONE: Yes.

2 SGT CRUDO: Okay. And--about how far away

3 from you--from--from him--how far away were you--

4 were each other--you--this is--this is your

5 vehicle.

6 OFFICER MELLONE: Yes.

7 SGT CRUDO: So you get to the sidewalk.

8 You can see him plainly. Straight line of

9 [UNINTELLIGIBLE]--

10 OFFICER MELLONE: Well, surprise--it kind

11 of--yeah. It surprised me. Um. I didn't see him

12 when I got out of the car. But when I--think when

13 I cleared this tree and these cars, I actually saw

14 him and then I saw that he was actually holding the

15 knife in his hand and it kind of--surprised me.

16 And I just immediately, uh, reacted to that. Um.

17 With--by charging the ERIW.

18 SGT CRUDO: Okay. So just--put--put a, uh-

19 -put a--an "M" for where you were when you first

20 were able to see him and recognize--approximate--

21 and this is an approximation--

22 OFFICER MELLONE: Hm-hmm.

23 SGT CRUDO: This is--this is again for--a

24 sense of dynamics in this thing and--you know, it's

25 not an absolute. Um. So how far away--you know,

1 what--what--what's--what's the distance at that  
2 point?

3 OFFICER MELLONE: Um, I'm terrible at  
4 distance but I will say that we were probably about  
5 20 to 30 feet away when, uh, I first saw him.

6 SGT CRUDO: And did the--so the--uh,  
7 obviously you've already mentioned the guy holding  
8 the knife, like--did he otherwise match the  
9 description that had been broadcast?

10 OFFICER MELLONE: Uh, he match--matched it  
11 exactly.

12 SGT CRUDO: Now when you first see him and  
13 you--you put this triangle right up against that  
14 property line. Can you describe his--pose and his  
15 demeanor?

16 OFFICER MELLONE: Uh, he was seated. It  
17 looked like he was, uh--uh, he was behaving, um,  
18 very consistent with someone who was under the  
19 influence of--controlled, you know, of drugs. He  
20 was, uh, it looked like he was talking to himself.  
21 Kind of--he had like these erratic, uh, head and,  
22 um, eye movements. He was just, uh, very erratic  
23 and, um, not--not what you would see somebody that,  
24 uh, was exhibiting that was, uh, sober. And he  
25 looked like he was talking to himself. He wasn't,

1 uh, talking in any particular language. It sounded  
2 like gibberish to me. He just much--

3 SGT CRUDO: You say--

4 OFFICER MELLONE: He very much looked like  
5 he was high on drugs.

6 SGT CRUDO: And you said that you have a--  
7 sort of a remedial understanding, uh, comprehension  
8 of Spanish so it didn't sound like it was Spanish  
9 to you [UNINTELLIGIBLE]--

10 OFFICER MELLONE: It--I--it didn't sound  
11 like Spanish at all, yeah.

12 SGT CRUDO: Okay. And he was seated. And  
13 you said you saw him hold the knife.

14 OFFICER MELLONE: Yeah, he was--in his right  
15 hand he was holding, um, about the largest kitchen  
16 knife that you can have in your kitchen. Um.  
17 About--it looked like it was a 12-, 13-inch blade.  
18 He was holding it in his right hand. And it was  
19 oriented up. And he was kind of--

20 SGT CRUDO: The blade's oriented up?

21 OFFICER MELLONE: Yes.

22 SGT CRUDO: Um. And--and--and you said  
23 that he--he--exactly matched the description,  
24 otherwise, that you had been given. Um. You said  
25 he's seated? How--how is he--in your interview

1 you--you talked about it at some point and you--  
2 approaching his--his right side. So how was he  
3 seated?

4 OFFICER MELLONE: So his back was to this,  
5 uh, wall. His right side was exposed to me.

6 SGT CRUDO: Did you notice how his legs  
7 were positioned? Flat and extended so his heels  
8 were on the ground, knees bent and feet on the  
9 ground? Do you remember? If you don't remember--

10 OFFICER MELLONE: I don't--

11 SGT CRUDO: Don't--don't [UNINTELLIGIBLE]--

12 OFFICER MELLONE: I'm sorry.

13 SGT CRUDO: That's all right.

14 OFFICER MELLONE: I don't remember, yeah.

15 SGT CRUDO: What was your focus at that  
16 moment?

17 OFFICER MELLONE: The knife.

18 SGT CRUDO: And then you said once--once  
19 you--identified this as the guy, he's got the  
20 knife. He matches the description. He'd been--  
21 he'd been pointed out to you, for all intents and  
22 purposes, by somebody who appeared to be a HOT team  
23 member. Um. You said you charged the ERIW.

24 OFFICER MELLONE: Yes.

25 SGT CRUDO: Okay. Do you recall whether

1 you were moving towards the suspect as you--as you  
2 charged the ERIW?

3 OFFICER MELLONE: Yes.

4 SGT CRUDO: You recall--

5 OFFICER MELLONE: I think I was moving--I--  
6 I--when I saw the knife, it--it--uh, surprised me  
7 and I think that my movements slowed down 'cause I  
8 was gonna, uh--start giving him commands and try to  
9 prone him out to handcuff him. Get him away from  
10 the knife. That was my intent--what was going  
11 through my mind at the time.

12 SGT CRUDO: So moving forward with the  
13 intent of--of getting him away from his knife?

14 OFFICER MELLONE: Yeah, I wanted to separate  
15 him from the knife and handcuff him.

16 SGT CRUDO: Okay. How--how--how were you  
17 gonna--was your plan? So how were gonna, uh--en--  
18 en--enact that? How were you gonna do that?

19 OFFICER MELLONE: I was just gonna, uh, you  
20 know, tell him to drop the knife. And then, uh--  
21 try to position him away from the knife. Like have  
22 him either crawl away from it to where we could,  
23 uh, you know, safely--handcuff him. But using  
24 verbal commands.

25 SGT CRUDO: And then--going back to--you

1 talk about charging the ERIW, that, um, you said--  
2 um, then you were surprised so you see him.

3 You're--you're surprised. You charge the ERIW.

4 Did you--did you bring it up and begin to aim it?

5 OFFICER MELLONE: Yeah, you know, I--I was  
6 trying to use the ERIW as a--as a visual and an  
7 audible deterrent. Um. We go to these knife calls  
8 several times a week. And I--I bring out the ERIW  
9 frequently. And I often find that just bring it  
10 out, just the visual, uh, people seeing it and  
11 hearing the audible charging, uh, most of the time  
12 is enough to, uh, get people's compliance safely.  
13 So, uh--I--I--I--I--I charged the--the weapon in  
14 the hope that that would be an audible, uh, uh,  
15 reminder to the individual that we had that as a  
16 force option. Um. And that he'd saw that I had a--  
17 -a lethal cover with me. Sergeant Steger was  
18 triangulated with me. Um. And I felt it was an  
19 appropriate, uh--display of the ERIW because the  
20 person was--brandishing a knife in my presence  
21 which is a felony. And I wanted to get him into  
22 custody.

23 SGT CRUDO: Um, are you familiar and it's--  
24 I have in front of you, it's, uh, number 7 on--on  
25 the--this--this stuff. Are you familiar with



1 Department Bulletin 15-106, Avoiding--Avoiding  
2 Lawful but Awful Use of Force?

3 OFFICER MELLONE: Yes.

4 SGT CRUDO: Okay. So that--that's an A  
5 Priority bulletin that's specifies that, quote, "an  
6 officer should consider creating time and distance  
7 and establishing a rapport as an alternative to  
8 using force in every other circumstance whenever it  
9 is safe to do so." And--and for context, "every  
10 other circumstance", that order is addressing  
11 another order where, um, it--it says that it puts  
12 it into context of somebody who is a danger to them  
13 self. But in this case it's saying in--in all  
14 cases of using force, whenever it is safe to do so.  
15 So you're--you're familiar with that. Um. And--  
16 and in your previous interview--your interview with  
17 Homicide, you said that you wanted to create some  
18 distance between you and the sub--suspect while  
19 delivering commands and that was--that's in--there  
20 on page 33, if--if you want to just--check it, but--  
21 -so how--how were you working to create some  
22 distance?

23 OFFICER MELLONE: Well, uh, I--I wanted to,  
24 uh, I wanted to, uh, separate, um, the individual  
25 from the knife. Um, so my--my first intention in--

1 in that endeavor was to have him put the knife  
2 down. Um, and then attempt to engage in some type  
3 of dialogue, you know, to where we could try to,  
4 uh, contain or separate him away from the knife  
5 because he was behaving erratically and the way  
6 that he was speaking, um, it looked like, uh, that  
7 he was high on drugs. So I wanted to separate him  
8 from the knife. Um, and attempt to handcuff him to  
9 where we could, you know, try to get to the bottom  
10 of what--what the issue was that was leading to  
11 that underlying behavior. Um. He initially put  
12 the knife down. Set it next to his thigh. Um.  
13 But within seconds, uh, immediately picks the knife  
14 back up and starts that erratic behavior again.  
15 Um. So my ability to--to engage in dialogue with  
16 him and create time and distance was pre-empted by  
17 his re-retrieval of this large knife and--and this  
18 unusual behavior that was very consistent with drug  
19 influence. So, uh--there--there was not much of an  
20 opportunity for me to create any additional time  
21 because he had re-acquired the weapon and, uh, his  
22 behavior was suggesting to me that, uh, he was  
23 either going to hurt himself with the knife or that  
24 he was going to try to do something with it 'cause  
25 he had just picked it back up again in my presence.

1 And going to these calls on a regular basis, when  
2 somebody sets their weapon down, I've never had an  
3 occasion where somebody re-acquired it. It was a--  
4 extremely alarming to me, that he had picked it  
5 back up again. I thought he was going to try to  
6 harm himself with it or, um, somebody else.

7 SGT CRUDO: So, uh, just--so I understand  
8 this. So--the intent was get him disarmed using  
9 verbal persuasion and you talked about also using  
10 the persuasion of--of having that ERIW, racking it,  
11 pointing it. So some visual--visual, audio, and  
12 commands, getting him to disarm.

13 OFFICER MELLONE: Yeah, I mean, it--it  
14 seemed to work initially 'cause he responded to the  
15 command. He put the knife down. But something--it  
16 looked like it just snapped and he picks--just  
17 immediately picks it back up again.

18 SGT CRUDO: And--had--other than the--the--  
19 release and then re-acquisition of his knife, um,  
20 had the suspect moved from his position?

21 OFFICER MELLONE: He--he was, uh, he was  
22 still in the--in the general area. There was--  
23 there was something about his, uh, his body  
24 movements and that made me concerned that he was  
25 gonna try to stand up. I didn't see him like stand

1 on his leg or anything like that at that particular  
2 moment. He was just behaving very erratic.

3 SGT CRUDO: Do you--do you--do you recall  
4 what you might have seen that--that--that--led to  
5 that--that perception, that conclusion, as he was  
6 kind of moving himself in a--in--you know, as if he  
7 might be trying to get up?

8 OFFICER MELLONE: It was just all, uh, this,  
9 uh, very strange and--and erratic, uh, facial  
10 expressions and these unusual, unnatural, you know,  
11 body movements. Um. He didn't look like he could  
12 sit still.

13 SGT CRUDO: So--in the--in the timeframe  
14 of--when you're--obviously aware of--the--the  
15 presence of this guy armed with a large knife, and  
16 it's--and the time you fired the first ERIW round,  
17 bean bag round, did you--did Sergeant Steger  
18 attempt some dialogue or establish--establish  
19 rapport with the suspect?

20 OFFICER MELLONE: Yeah, we both shouted at  
21 him numerous times to put it down, to put the knife  
22 down. Um. And then continued delivering those  
23 commands while, um, I was using the bean bag and  
24 continue--continued shouting at him to drop the  
25 knife over and over again.

1 SGT CRUDO: And then in your interview, um,  
2 and--you said that, to your knowledge, I think this  
3 was like on page 26, it's I there, but--to your  
4 knowledge you and Sergeant Steger were the only  
5 officers on the scene at the time of this  
6 interaction. Is that correct?

7 OFFICER MELLONE: Um, at that time I thought  
8 that we were the only two, yes. I didn't realize  
9 till later that there was a third person.

10 SGT CRUDO: Right. And--and we talk about,  
11 you know, I--just--what you--first you--you know,  
12 understood at the time so--that's--yeah, things  
13 you've learned after. I'm just asking about, yeah,  
14 what you knew at the time so--um--and just while  
15 we're talking about Officer Perez, when did you--  
16 when were you finally aware that Officer Perez was  
17 on scene?

18 OFFICER MELLONE: After the individual had  
19 been shot.

20 SGT CRUDO: Was it in--in the course of  
21 sort of dealing with that immediate aftermath?

22 OFFICER MELLONE: Yes.

23 SGT CRUDO: Okay. And then--so at any  
24 point as you're beginning to engage, um, the  
25 suspect with verbal and visual cues to try and

1 disarm him, you start giving commands. Did you--  
2 did you hear--did you pick up anybody giving  
3 commands in Spanish?

4 OFFICER MELLONE: No.

5 SGT CRUDO: Okay. Um. And you kind of  
6 touched on this but--let me--let me rephrase it.  
7 Let me--let me repeat it back to you and make sure  
8 I heard--heard it correctly. So my question would  
9 have been, what--what did you see that prompted you  
10 to rack in the ERIW the suspect--and from what I--  
11 what I heard you say is that, um, at that point,  
12 uh, you saw the knife. You moved in with the  
13 intent of disarming--disarming him. He began to  
14 make movements, um, when he--as--as--he released  
15 the knife from him--he reflected for a minute. Or--  
16 -uh, excuse me. A second or two. He released the  
17 knife. Um. But then re-acquired it. Um. But  
18 what you saw when you initially racked and aimed at  
19 him, or chambered--chambered a round and--and aimed  
20 at him, was that he--he was sitting there  
21 fidgeting. Um, making strange movements. Strange  
22 face--facial expressions. Um. And holding this  
23 large knife.

24 SGT CRUDO: Uh, upward. You said upward.  
25 Right-hand upward.

1 OFFICER MELLONE: Yes.

2 SGT CRUDO: Okay. Um. And did he

3 continue--was he moving the knife or was he--was he

4 holding it in a--in a singular fashion or--I know

5 that you said that he had the blade up and was kind

6 of through this whole incident was holding it, the

7 grip on it. And when he--sounds like when he re-

8 gripped, it was the same. Like a--a grip around,

9 edge up, pointed--

10 OFFICER MELLONE: Yes.

11 SGT CRUDO: In a--in a fist.

12 OFFICER MELLONE: Yes.

13 SGT CRUDO: At this time, before you're

14 even firing the ERIW, but you're starting to engage

15 him, um, is he doing anything with the knife? Is

16 he holding it up? Is he--do you recall what he

17 was--

18 OFFICER MELLONE: Yeah, I mean, I think that

19 there were some movements with the knife in there.

20 Uh, I don't recall exactly what they were but, um,

21 I--when he re-acquired the knife, I saw this very

22 clear opportunity to use the ERIW in an attempt to-

23 -disable the--or--or subdue the arm that he was

24 holding the knife in. 'Cause I--I had this--this

25 joint concern, you know, that--that he was gonna

1 hurt himself. He was high on drugs. And there  
2 were also people on the sidewalk, the call that we  
3 responded to, so--when I saw him holding this--the  
4 knife, uh, I--I kind of zeroed in on the fact that  
5 his--his right arm was facing me. Uh, his right  
6 profile. And I thought it would be a--a good  
7 opportunity to use the bean bag in an attempt to--  
8 to subdue this arm, to--so that he wasn't able to  
9 hurt himself or hurt anybody else with it. So I--I  
10 felt that by taking that--quick, decisive action,  
11 that--um, especially with the way that he was  
12 presenting himself to me, that it was a--uh, about  
13 the best opportunity I was gonna have to try to  
14 use, you know, less lethal force option. 'Cause it  
15 wasn't--wasn't comfortable, uh, I couldn't get  
16 close enough to use OC, um, at all and we didn't  
17 have--

18 SGT CRUDO: Use--I'm sorry, to use, uh--

19 OFFICER MELLONE: To use OC--

20 SGT CRUDO: Oh.

21 OFFICER MELLONE: Couldn't get close enough  
22 to him. So that the ERIW was--seemed like the most  
23 ideal force option for the distance that we had  
24 between each other.

25 SGT CRUDO: So--and this is--this is in



1 that period of time when you arrive on scene as--  
2 uh, up to--as you begin to engage the subject and--  
3 and--I'll say "deploy", meaning rack around and  
4 aim--

5 OFFICER MELLONE: Sure.

6 SGT CRUDO: I'm not saying fire. I'm just  
7 saying merely deploy at the scene and begin to  
8 utilize, in--in this case as a visual deterrent  
9 initially. But as you move from arrival to--to  
10 deployment, um, were you able to discuss a tactical  
11 plan with Sergeant Steger or specific roles with  
12 Sergeant Steger before closing in and engaging?

13 OFFICER MELLONE: We weren't able to discuss  
14 anything. There wasn't enough time. Just--it  
15 seemed like it fell into place automatically from  
16 how we're trained. For everything from our--uh,  
17 positioning, our stance, his role as lethal cover.  
18 Um, it seemed like it was automatic.

19 SGT CRUDO: And do you--do you know what  
20 the effective range of the ERIW is?

21 OFFICER MELLONE: 15 to 60 feet.

22 SGT CRUDO: Um. In Department Bulletin,  
23 that--the ERIW one, 15-234, um, there's--there's--a  
24 section that's, uh, outlines pre-deployment  
25 procedures and--which are specific steps taken

1 prior to deployment of the ERIW. And there's a  
2 section that states, "on arrival, ERIW must obtain  
3 a quick briefing to determine if the ERIW is  
4 warranted and to formulate a plan with your cover  
5 officer." Um. So was there any communication  
6 between you and Sergeant Steger, prior to engaging  
7 the suspect with the ERIW?

8 OFFICER MELLONE: We did not have an  
9 opportunity to have any communication. When we  
10 first saw him with the knife, um, it was startling.  
11 It was immediate. Um. There wasn't time just to--  
12 to retreat and plan at that point. We had already  
13 initiated contact with them. So, uh, we--we  
14 maintained our positioning and fell into our  
15 training as far as--you know, how to triangulate  
16 and give commands. Um, but there was no  
17 opportunity at all to--just to take a step back or  
18 call a time out and then discuss a plan. At least,  
19 as far as I was concerned.

20 SGT CRUDO: And you've hit this but did you  
21 formulate a plan with Sergeant Steger. So no--no  
22 formal plan. You guys went to training, is that  
23 correct?

24 OFFICER MELLONE: Correct.

25 SGT CRUDO: Did you confirm, um, that

1 Sergeant Steger was ready and able to provide  
2 lethal cover when you began to engage the suspect  
3 with ERIW?

4 OFFICER MELLONE: Yes.

5 SGT CRUDO: How'd you confirm that?

6 OFFICER MELLONE: I could see it.

7 SGT CRUDO: So as--as you engaged in, um,  
8 did you see that--whether he had this weapon drawn?

9 OFFICER MELLONE: In my peripheral vision,  
10 yes. I believe--I, uh, it's my--current belief  
11 that he did.

12 SGT CRUDO: Okay. Looking at CAD,  
13 listening to the audio, you know, there's a Code 33  
14 in there. So can you tell me when you--when you  
15 called the Code 33, was it when you first saw him?  
16 When you began to engage him just before you fired  
17 rounds? Do you remember, like, at what point--

18 OFFICER MELLONE: When I first saw him--when  
19 I first saw him with the knife is when I called for  
20 the Code--

21 SGT CRUDO: So once--once you get to that  
22 exposure on the sidewalk, he's in visual line,  
23 boom. Now it's a Code 33.

24 OFFICER MELLONE: Yes.

25 SGT CRUDO: Okay. And--going back to the

1 bulletin we talked about, kind of covers the  
2 procedure for the ERIW, um, did you request an  
3 ambulance, a 408, to stand by?

4 OFFICER MELLONE: So, um, that--that--that  
5 wasn't, uh--there--there was no opportunity to  
6 request a--an ambulance because, uh, as I  
7 previously mentioned, I wasn't able--could barely  
8 get out on the radio to explain that I had a ERIW.  
9 Um, there were a lot of units using the radio to  
10 initiate their response. Um. But I also knew that  
11 just from patrolling the district that, um, Fire  
12 Station 7 is located with a--with par--staff with  
13 paramedics. Is located at 19th and Shotwell which  
14 would essentially be in a safe stating location for  
15 paramedics anyway. Um. So it--it was known to me  
16 that--that the fire station was literally a half-  
17 block away. Um, and then they ended up even  
18 walking up to the scene within seconds afterwards.  
19 So, um, I--I did not have the--I don't feel that I  
20 had the opportunity to request an ambulance stand  
21 by, just based on the radio traffic. Um. But I  
22 knew that a staffed fire station with paramedics  
23 was literally steps away from where we were.

24 SGT CRUDO: And then you said in your  
25 interview and you said in here, you believe you're-

1 -here you said I think about 20 feet, like, in the  
2 interview that you did with Homicide, you said 20  
3 to 30 feet when the suspect put down the knife. Is  
4 that--

5 OFFICER MELLONE: The best I'm gonna be able  
6 to do is kind of 20 to 30 foot range, is kind of  
7 where I think this whole thing went down.

8 SGT CRUDO: And--and--and like you, I'm not  
9 great at--at gauging distances and--and--you know.  
10 Um. If--if you want also--I--like in your Homicide  
11 interview, you use car lengths. Is there some  
12 other measurement, you know, foot--some will go,  
13 hey, you know, I know football so 10 yards.  
14 Whatever--whatever's useful to you. But, uh, you--  
15 20 to 30 feet so you--you've moved--you--you start--  
16 -little bit ahead of where your vehicle's parked  
17 when you reach the sidewalk. See him. You move  
18 within 30--25 feet, give or take--

19 OFFICER MELLONE: Yes.

20 SGT CRUDO: You know. Uh, of the suspect.  
21 And it's a--uh, from that distance, you see him  
22 release his grip on the knife.

23 OFFICER MELLONE: Yeah, he initially sets it  
24 down. Only for a few--few seconds.

25 SGT CRUDO: And--and, uh, I think you hit a

1 lot of these things but at--at this time--the  
2 suspect, you--you said, I--my questions and let me  
3 see if I heard the answers correctly, okay? What  
4 was he doing? He's sitting down. He's--he's--  
5 he's, for lack of a better word, gyrating, moving,  
6 making facial expressions.

7 OFFICER MELLONE: Yes.

8 SGT CRUDO: What was he saying? He's--he's  
9 uttering gibberish.

10 OFFICER MELLONE: Sounded like nonsense.  
11 Yeah.

12 SGT CRUDO: Mostly talking to himself. Um,  
13 you know, through this things, or this--this--this  
14 period of time, you're on the sidewalk moving  
15 closer. You--you have a clear line of sight to  
16 him, unobstructed?

17 OFFICER MELLONE: Yes.

18 SGT CRUDO: Does he look at you?

19 OFFICER MELLONE: Yeah, I believe that--I--I  
20 believe that he did, and make eye contact with me a  
21 few times.

22 SGT CRUDO: Did--does he turn his head and  
23 look at you or is he looking to--'cause his back  
24 is--his back is against the building. His back is  
25 on the east--you know, to the east. His--if he

1 keeps his head straight, then my guess is that his  
2 nose is pointing west.

3 OFFICER MELLONE: Right. That, uh--

4 SGT CRUDO: Does--does he kind of--is he  
5 turning to look at you or is he--

6 OFFICER MELLONE: Yes.

7 SGT CRUDO: Staring at you or can you kind  
8 of give me an idea of what--what he's--

9 OFFICER MELLONE: I mean, he was moving all  
10 around.

11 SGT CRUDO: [UNINTELLIGIBLE]

12 OFFICER MELLONE: He wasn't like fixated.  
13 The only time that I remember him being fixated at  
14 all is when he stood up and charged at Sergeant  
15 Steger. He seemed to really hone in on him when  
16 he, uh, actually got up on his feet and started  
17 running full speed at him. But he was just--he  
18 just looked like somebody that would--couldn't sit  
19 still, totally looked like he was on drugs. Uh,  
20 you know, looked like he was very high. Just  
21 didn't--didn't really look like, uh, you know, he  
22 was all--he--he didn't--he just--he just did not  
23 look sober. [LAUGH]

24 SGT CRUDO: So--so from--you--you've got a  
25 lot of--a lot of experience, uh, an exceptional

1 amount of experience with--with narcotics.

2 OFFICER MELLONE: Yes.

3 SGT CRUDO: Training with narcotics. So  
4 based on--on what you saw, you--you've--you've seen  
5 some objective signs that--that he was under the  
6 influence of something and--correct?

7 OFFICER MELLONE: Yes.

8 SGT CRUDO: Okay. So--what was his be--  
9 behavior consistent with as far as him being under  
10 the influence of? What--what kind of--

11 OFFICER MELLONE: Uh--

12 SGT CRUDO: Substance might typically--

13 OFFICER MELLONE: He looked like he was on  
14 some type of a stimulant. And that--that could run  
15 the range of, you know, anything from  
16 methamphetamine to cocaine or both. But his  
17 behavior was very consistent with--with somebody  
18 that was really high on a stimulant because a lot  
19 of people are on a stimulant and they're--just more  
20 energetic or more talkative. But he looked like he  
21 was beyond that point.

22 SGT CRUDO: Okay. Um. Did you say  
23 anything to him in this--in this period of your  
24 interaction?

25 OFFICER MELLONE: Yeah, I told him to, uh,



1 you know, to lay--to get on the ground or lay on  
2 the ground, is what I was saying. And, uh, you  
3 know, put it down, put the knife down. 'Cause I  
4 wanted to lay him out. You know--

5 SGT CRUDO: Right.

6 OFFICER MELLONE: In a prone position.

7 SGT CRUDO: Yes.

8 OFFICER MELLONE: I wasn't comfortable  
9 handcuffing him in a seated position.

10 SGT CRUDO: Did you hear anyone else say  
11 anything to him?

12 OFFICER MELLONE: Yeah. Sergeant Steger  
13 was--there was a lot of commands being given  
14 between me and Sergeant Steger.

15 SGT CRUDO: And, uh--

16 OFFICER MELLONE: Put it down, drop the--you  
17 know, drop the knife.

18 SGT CRUDO: You--you've talked about, uh,  
19 um, that because he appeared to release his grip,  
20 he appeared to comprehend your commands at that  
21 moment.

22 OFFICER MELLONE: Yeah. He responded  
23 initially.

24 SGT CRUDO: Did--did he give any other  
25 indicators he--he understood you? I mean--

1 OFFICER MELLONE: Just his behavior. You  
2 know, he was, uh, when--when I showed up, you know,  
3 I--I saw that he had the knife, racked the ERIW.  
4 Um. And told him to--to--to lay on the ground, to  
5 put it down. And he--he responded to the--at least  
6 putting it down so I was like--I--I thought to  
7 myself, oh, this is just gonna be another--you  
8 know, you know, another prone apprehension and then  
9 he--it change up 'cause he re-acquired the knife.

10 SGT CRUDO: Okay, so--just to clarify it so  
11 I make sure I understand, so there--there's some  
12 movement forward. You recognize like the movement  
13 forward. Bring up the ERIW. Issued commands. He  
14 opens up his grip on the knife. You're about 25  
15 feet away.

16 OFFICER MELLONE: Yes.

17 SGT CRUDO: And--okay. Um. Did--did you--  
18 were you still able to see or do you know where  
19 Sergeant Steger was?

20 OFFICER MELLONE: He was to my right.

21 SGT CRUDO: About how far away from you was  
22 he?

23 OFFICER MELLONE: Uh, I think he was about--  
24 6 feet, 5, 6 feet away to my right.

25 SGT CRUDO: How far away were you? Do you

1 know how far away you might have been approximately  
2 from the property line?

3 OFFICER MELLONE: Uh, maybe 2 or 3 feet.

4 SGT CRUDO: I don't imagine--I don't  
5 suspect that your focus would have been on Sergeant  
6 Steger so where was your focus at this time?

7 OFFICER MELLONE: Uh, on what he was doing  
8 with the knife.

9 SGT CRUDO: "He" being?

10 OFFICER MELLONE: Uh, the--the subject that--  
11 --we were called there for.

12 SGT CRUDO: And--and Sergeant Steger--you  
13 said he's approximately 5 to 6 feet away from you.

14 OFFICER MELLONE: Yes.

15 SGT CRUDO: Is he kind of on a direct, even  
16 line with you? Or is he slightly ahead or slightly  
17 behind?

18 OFFICER MELLONE: I think that, uh--when we  
19 made our initial approach, we were squared up but  
20 because the individual would have been closer to my  
21 side, I think he kind of--came a little bit forward  
22 of me, if that makes sense, if you were to envision  
23 a--a triangle. So I think he may have stepped, you  
24 know, a few feet in front of--being squared up with  
25 me, to my right, a little bit?

1 SGT CRUDO: Okay. And when--just--just to  
2 clarify, because you touched on this in the  
3 Homicide interview, but when--when the suspect  
4 released the knife, what did he do with his right  
5 hand? I mean, did--did--did he maintain contact?  
6 Did he lift it? Did he re--what--what did he  
7 actually do with it?

8 OFFICER MELLONE: No--

9 SGT CRUDO: Could--

10 OFFICER MELLONE: Uh--

11 SGT CRUDO: If--

12 OFFICER MELLONE: He set the knife down  
13 right next to his right thigh, uh, I don't think--I  
14 don't recall him maintaining contact with it at  
15 all. I don't remember what he did with his hand  
16 after that. I was kind of focused on where the  
17 knife was and I was thinking to myself, I need to  
18 separate him from this knife. So that's why I kept  
19 saying, like, "Lay on the ground." Um. I--I  
20 wanted to lay him down. You know, away from the  
21 knife but we--we didn't even have the opportunity  
22 to continue giving those commands 'cause he just  
23 picked the knife back up again.

24 SGT CRUDO: Did--did you--did you see where  
25 he might--did you notice where he might have

1 looking or was he still kind of looking all over  
2 the place? I mean--

3 OFFICER MELLONE: Yeah, I--that's what I  
4 remember. Uh, uh, I--I just remember he was  
5 looking all over.

6 SGT CRUDO: Other--other than--I mean, so--  
7 he's still fidgety, moving around, making  
8 gyrations. Is he still kind of making these  
9 utterances to himself?

10 OFFICER MELLONE: Yes.

11 SGT CRUDO: Okay. Um. Has his poise--has  
12 his positioning substantially changed, then, from  
13 when you originally noticed him at this point?  
14 Other than--other than his grip of the knife--has--  
15 have things--has he moved or changed?

16 OFFICER MELLONE: Nothing significant that I  
17 can recall.

18 SGT CRUDO: You kind of talked on this also  
19 when he--so I mean--let me make sure I heard you  
20 correct, okay? So you said that the suspect closed  
21 his hand back around the knife and you said it was  
22 only a second or two later. You said in the  
23 Homicide interview, you repeated that--that here.

24 OFFICER MELLONE: Yes.

25 SGT CRUDO: Um. In the Homicide interview,

1 you said that, uh, you described him as, quote,  
2 "acting extremely agitated", unquote, at this  
3 point. And you stated that, quote, and I think  
4 this is on page 8, um, of the--of the Homicide  
5 interview, you said that, quote, "he looked like he  
6 was on drugs", unquote. You've talked about that a  
7 little bit. And, uh, quote, "that he was posturing  
8 in a way that looked like he was either going to  
9 hurt himself--oh--or he was--his posture was, it  
10 was just so"--there's some kind of--pausing--and  
11 then you--you concluded that--"it really concerned  
12 me 'cause he had this knife and he was acting very  
13 erratic."

14 OFFICER MELLONE: Yes.

15 SGT CRUDO: All right. So you--you've--  
16 you've touched on him acting agitated and you've  
17 described that and--described that you--you looked--  
18 --you saw objective signs that would be similar or,  
19 uh, consistent with somebody using a stimulant like  
20 meth or coke or something like that. Um. What  
21 kind of posturing was he doing in this moment that  
22 sort of--was it simply re-grabbing the weapon,  
23 because you--what was it that--that made you feel  
24 like--this was--this was now something immanent to  
25 immediate that--

1           OFFICER MELLONE:     Well, he wasn't holding  
2 the knife in a way that he was gonna actually cut  
3 something. Like he wasn't cutting up food or an  
4 object or anything. He was actually holding the  
5 knife in a way that made me think, is this person  
6 suicidal? Um. You know, coupled with his obvious  
7 signs of--uh, drug influence, this agitated,  
8 erratic behavior. Um. He was holding the knife  
9 like--up like this. So I wasn't sure if he was  
10 going to--uh, hurt himself with it or he was going  
11 to attempt to hurt somebody else with it. Um. But  
12 there--there--there was an opportunity, you know,  
13 uh, that he was displaying this knife in my  
14 presence, which I--you know, was--was concerned  
15 about. Um. I was especially concerned that he re-  
16 acquired it after my attempt to, um, separate him  
17 from it. And, uh, I--I don't--I--my--my memory is--  
18 --is not--is--it's been, what, almost two weeks but  
19 I--I want to--I want to--I'm--I'm--I'm--I think  
20 that--he--I don't think he was holding the knife in  
21 a still way. I think he was kind of--moving--  
22 moving it around somewhat. Um. Consistent with  
23 his--his body movements being this, you know,  
24 erratic. That's--that's--that's what I--that's  
25 what I seem to remember.

1 SGT CRUDO: And--and approximately--had you  
2 cleared the trees? I mean, how--how--how--how  
3 close--  
4 OFFICER MELLONE: Yeah--  
5 SGT CRUDO: Had--okay. So--can you put a  
6 "M2" on approximately where you were when you--when  
7 he re-grabbed the knife and--and you had to--  
8 OFFICER MELLONE: "M2"?  
9 SGT CRUDO: Yeah.  
10 OFFICER MELLONE: Oh, okay.  
11 SGT CRUDO: So you--the second place he--  
12 kind of your second positioning now where--where  
13 he's re-grabbed the knife and--and--the situation  
14 is changed. Right, the--the--the threat is now--  
15 in--in your eyes become different.  
16 OFFICER MELLONE: Yeah, I think that's about  
17 accurate.  
18 SGT CRUDO: And like I said--okay, and this  
19 is--this is relatively speaking, this is not  
20 precise.  
21 OFFICER MELLONE: It's not to scale.  
22 SGT CRUDO: The drawing is to scale  
23 [marginally]. Right? So. Um. So--as you're--as-  
24 -uh, this is the point where, you know, you're--  
25 you're moving towards firing the weapon. Did you



1 stop your moving or were you continuing forward?

2 OFFICER MELLONE: Hm. Um. At this point--  
3 at this point I think that my--I didn't make any  
4 more significant movements forward.

5 SGT CRUDO: Were you still able to see  
6 Sergeant Steger?

7 OFFICER MELLONE: Yes.

8 SGT CRUDO: Was he still I the approximate  
9 position, relative to you, slightly in front to  
10 your right?

11 OFFICER MELLONE: Yes.

12 SGT CRUDO: 5 or 6 feet away? Okay. Um.  
13 Roughly at your one o'clock position? If it--if  
14 you--you know, your nose is--12 o'clock. He's  
15 roughly at your one o'clock?

16 OFFICER MELLONE: Yes.

17 SGT CRUDO: Um. And we're talked a bit  
18 about, um, tactical communication. Was there any  
19 between you and Sergeant Steger after he grabbed  
20 the knife again?

21 OFFICER MELLONE: No. We were--both--um--  
22 engaged in, uh, repeated dialogue with the  
23 individual, telling him to put it down and drop the  
24 knife.

25 SGT CRUDO: Okay. So repeated--repeated

1 dialogue being, um, continuous commands?

2 OFFICER MELLONE: Yes.

3 SGT CRUDO: Prior to firing ER--ERIW, was  
4 the--was the suspect given a warning? And that is,  
5 a command with a consequence rather than a  
6 straight-up command? So, you don't put down the  
7 knife, I'm gonna fire or I'm gonna shoot.

8 OFFICER MELLONE: No.

9 SGT CRUDO: Okay. Um. Why not?

10 OFFICER MELLONE: Um. I--I don't--I didn't  
11 give him a warning because, uh, I saw a very, uh,  
12 narrow and clear opportunity to, um, subdue the arm  
13 that he was holding the knife in. Um, I didn't  
14 want him to react to my command by hurting himself.  
15 Um. So I wanted to--uh, use the bean bag, uh, to,  
16 uh, surprise and sub--and--and attempt to subdue  
17 him. And I was, uh, afraid that giving him a  
18 warning would give him the opportunity to--cover  
19 up, change his positioning, to where I--I wasn't  
20 able to have that very clear, um, uh, target area  
21 of this arm. And, uh, was also afraid that he  
22 might react to that command by hurting himself.

23 SGT CRUDO: So for you it was--it was a  
24 tactical decision.

25 OFFICER MELLONE: It was.

1 SGT CRUDO: Okay. Um. And--while we're  
2 speaking about commands and warnings, um, we're  
3 trained and the policy requires that--it's called  
4 in--in the ERIW order DB 15-234, they call it  
5 "verbal challenge". Do you know the verbiage of  
6 the verbal challenge with respect to the ERIW?  
7 OFFICER MELLONE: Yes.  
8 SGT CRUDO: What is it?  
9 OFFICER MELLONE: Red light, less lethal.  
10 Less lethal to drop the knife or I'll shoot.  
11 SGT CRUDO: Did you issue an--you kind of  
12 touched on this but did you issue or attempt to  
13 issue such a challenge?  
14 OFFICER MELLONE: No.  
15 SGT CRUDO: Um. Why not?  
16 OFFICER MELLONE: It was a tactical  
17 decision. It was, um, my concern that, um, if I  
18 gave him that warning, then my--my optimum target  
19 area, uh, I was lose that, uh, being that his arm--  
20 and I wanted to use, uh, the bean bag to quickly,  
21 uh, you know, subdue the arm and--and not turn this  
22 into a protracted, uh, incident. So, um, I--I  
23 didn't issue that verbal command because I--I felt  
24 that, uh, it was--it was a tactical decision.  
25 SGT CRUDO: Um. Do--do you know--the

1 purpose of the red light, red light?

2 OFFICER MELLONE: I--I think that it's  
3 designed to, uh--per--you know, to insure that  
4 there isn't sympathetic fire from a handgun?

5 SGT CRUDO: Correct. Okay. Um. And then--  
6 -do you have a sense of how much--how much time and  
7 my sense from--from your prior interview is very  
8 narrow, kind of very quick. Uh, how much time  
9 elapsed between when the suspect re-acquired his  
10 knife and when you fired the first bean bag round?

11 OFFICER MELLONE: Uh, I think it was about 3  
12 to 5 seconds, maybe?

13 SGT CRUDO: And you said that you recall  
14 the suspect--in your--in your Homicide interview,  
15 said that you recalled the suspect was seated when  
16 you fired all four bean bags. Um. Did he move as  
17 you were firing?

18 OFFICER MELLONE: Uh, yes. Uh, the first--  
19 one or two rounds, uh, I--I seem to recall that it  
20 looked like he was just flinching, like--it didn't  
21 really seem like it was, uh, affecting him very  
22 much at all.

23 SGT CRUDO: Was he--so at that point, first  
24 two, he's still seated?

25 OFFICER MELLONE: Yeah, the first one to

1 two, I think he was still seated and I think--when  
2 it came to three or four he is--is--uh, looked like  
3 he was trying to stand up.

4 SGT CRUDO: Were you able to see where--any  
5 of those rounds impacted?

6 OFFICER MELLONE: Yeah. It looked like they  
7 were impacting his--this side of his body right  
8 here? In this area?

9 SGT CRUDO: You're--you're--you're circling  
10 your--

11 OFFICER MELLONE: Yeah.

12 SGT CRUDO: Bicep, shoulder area?

13 OFFICER MELLONE: Hm-hmm.

14 SGT CRUDO: Okay.

15 OFFICER MELLONE: Yeah. Right side.

16 SGT CRUDO: Right side. Um. And we're  
17 required--the--same, uh, bulletin, and it kind of  
18 goes through the whole ERIW--in our training, we're  
19 required to, um, articulate the circumstances and  
20 justification for each bean bag fire. Um, so you  
21 kind of talked about it a little bit but the first  
22 one, it--would that be Zone 1 or 2?

23 OFFICER MELLONE: Uh, they were all zone 1.

24 SGT CRUDO: Zone 1?

25 OFFICER MELLONE: Yeah, there was no

1 opportunity for Zone 2, uh, initially because he  
2 was sit--sitting?

3 SGT CRUDO: Okay. Let's--let's kind of  
4 just--if--if you can, and I--and like you've talked  
5 about this is a week and a half, two weeks ago.  
6 Um, but if you can, each one kind of--what the  
7 circumstance was. I mean, I know what the general  
8 circumstance was, but the first one you fire, it  
9 strikes that Zone 1, right arm, upper--upper arm  
10 above the elbow, at the elbow, where's it hit?  
11 You--do you remember, first one?

12 OFFICER MELLONE: Um. That's really hard  
13 for me. I--I think that they--it was--I think the  
14 first two shots were probably above the elbow.

15 SGT CRUDO: Okay. Um. Both--both above  
16 the elbow? Did--and both struck?

17 OFFICER MELLONE: I think so.

18 SGT CRUDO: Okay, um, what--

19 OFFICER MELLONE: I'm not 100 percent sure.

20 SGT CRUDO: And both of those you said it  
21 had a flinch--it caused flinching--

22 OFFICER MELLONE: It looked like it--

23 SGT CRUDO: No further effect--

24 OFFICER MELLONE: Agitated him even more.  
25 It looked like it--it--it added to his agitation.

1 SGT CRUDO: Okay. And the third round, do  
2 you--do you remember where you were still aiming in  
3 the same area?  
4 OFFICER MELLONE: Yeah.  
5 SGT CRUDO: [UNINTELLIGIBLE]  
6 OFFICER MELLONE: I think all of my rounds,  
7 I was aiming in the same area. I think they were  
8 all just kind of Zone 1, right side profile area.  
9 SGT CRUDO: Okay. Um. Do you--did--did  
10 you see the third one hit?  
11 OFFICER MELLONE: It becomes kind of a blur  
12 to me. I just--I know that--they weren't--it  
13 didn't seem like any of them were working. It  
14 seemed like they were all ineffective. It's just--  
15 SGT CRUDO: So fourth--  
16 OFFICER MELLONE: It--  
17 SGT CRUDO: Fourth one you don't have any  
18 specific recollection of as--as well. I mean, just  
19 other than firing it. You know you're--  
20 OFFICER MELLONE: I think that I was very  
21 clearly wanting to take his arm and subdue it.  
22 And--and I believe that--that my intent and my, um,  
23 my concern was that this was the arm that was  
24 holding the knife and I wanted to--you know, get  
25 him to drop the knife and disable this arm. So I

1 think that all of my shots were fired with that  
2 intent, with the ERIW, and I think that--I believe  
3 that most--if--if not all of them, hit him in this  
4 area somewhere. It did not seem to affect him at  
5 all. It just seemed to have a counter effect.

6 SGT CRUDO: When--do you recall--was it  
7 after the first two rounds after the first round  
8 that he--he--you noticed that he appeared to be  
9 getting agitated?

10 OFFICER MELLONE: I think the first one that  
11 he was surprised and he kind of flinched. But--I--  
12 and by the second, third--it--it seemed to--uh--it--  
13 -it didn't seem to be working at all.

14 SGT CRUDO: Um. And--and you kind of  
15 touched on this a little bit, um, so you didn't--  
16 you didn't--use Zone 2 as a point of aim because he  
17 was sitting on the ground. Were you not able to  
18 see his legs or what--what was--what was the deal  
19 with that? Or was it--was it--a tactical decision  
20 based on your desire to cause pain to--I mean,  
21 you've talked about causing and getting him to drop  
22 the knife, causing pain, I guess, to the--to the  
23 arm?

24 OFFICER MELLONE: Yeah, I mean, I--I would  
25 a--I--I think that--my assumption was, is that



1 since he's holding the knife in his right arm, that  
2 he was right-handed and that was his strong side.  
3 That was the area of his body that, uh, presented  
4 itself the most to me. Um. And it's--it didn't  
5 seem appropriate to target, uh, his--his--his leg  
6 area didn't seem like it was appropriate to target  
7 'cause that wasn't the one--where the knife was at.  
8 I wasn't as concerned with his legs as I was with  
9 what he was holding in his hands.

10 SGT CRUDO: In--in your Homicide interview,  
11 you said that he starts getting up almost simul--  
12 simultaneously with being--those--I don't think  
13 those are your exact words but it's--you describe  
14 being almost simultaneous with--with him starting  
15 to get up with the fourth round.

16 SGT CRUDO: Being delivered. Um. Kind of--  
17 --you--you've said in here, maybe he starts moving  
18 around the third round but he starts getting up.  
19 By the fourth round, he is clearly getting up?

20 OFFICER MELLONE: Yes.

21 SGT CRUDO: Okay. And how far away are  
22 you--are--have you--have you changed your position  
23 from this M2 position? Have you gotten closer?  
24 Have you backed up? Are you in approximately the  
25 same--

1 OFFICER MELLONE: I think I'm in--  
2 SGT CRUDO: Area?  
3 OFFICER MELLONE: Approximately the same  
4 area.  
5 SGT CRUDO: Okay. And same question with  
6 respect to Sergeant Steger, if you were aware of  
7 it, was he relative to you in approximately the  
8 same position?  
9 OFFICER MELLONE: Yes.  
10 SGT CRUDO: So now the suspect is on his  
11 feet and you described him initially heading in  
12 sort of a northwestern direction. Kind of--almost  
13 diagonally. So he's heading north, almost as if,  
14 maybe he's gonna cross Shotwell or something like  
15 that?  
16 OFFICER MELLONE: No, uh, I think--what I--  
17 what I really--will never forget is that when he  
18 gets to his feet, he--in--instead of--if--if you're  
19 Sergeant Steger and you're me, instead of--he hones  
20 right in on Sergeant Steger or appeared to and  
21 starts running directly in his direction.  
22 SGT CRUDO: So that's--that's--almost  
23 immediate once he's on his feet.  
24 OFFICER MELLONE: Yes.  
25 SGT CRUDO: Okay. And--and--I--you use the

1 word which--which I think is a powerful word in  
2 your Homicide interview, "fixates".

3 OFFICER MELLONE: Yeah, he was--he was  
4 fixated. That's for sure. [LAUGH] Which seemed  
5 odd to me because I was the one that was, you know,  
6 doing the--you know, utilizing the force option.  
7 But for whatever reason, he seemed to focus on--  
8 Sergeant Steger instead.

9 SGT CRUDO: Okay. So. And--and--and that  
10 behavior is as soon as he's on his feet.

11 OFFICER MELLONE: Yes.

12 SGT CRUDO: Okay. Can you--can you  
13 describe--his gait? Can you describe how he's  
14 moving? I mean, we've all described--you know,  
15 you've described him moving quickly or--accelerate  
16 but--can you--is--is there a way that you can  
17 describe his gait to me?

18 OFFICER MELLONE: Uh, he was--aggressively  
19 charging, if not running, directly at where  
20 Sergeant Steger was standing with the knife in his  
21 right hand, pointed outward. In the direction of  
22 where Sergeant Steger was.

23 SGT CRUDO: And would this be when you  
24 transitioned to your firearm?

25 OFFICER MELLONE: Yes.

1 SGT CRUDO: Now--uh, I was looking now at  
2 my notes. You were talking about how he's holding  
3 the knife. So--how do--how do--show--you know, how  
4 do you--let's describe it because we're on tape but  
5 if you need to, you can show it to me. Um. How  
6 was he holding the knife?

7 OFFICER MELLONE: He was holding it in his  
8 right hand. If this--this is his knife. He looked  
9 like he was holding it out like this.

10 SGT CRUDO: You're making circles.

11 OFFICER MELLONE: Yeah. In front of his  
12 body. He wasn't--

13 SGT CRUDO: With arm--with arm directly  
14 locked out about--about like chest high?

15 OFFICER MELLONE: Yeah, it was between his  
16 waist and his upper body where--where his movements  
17 with the knife--it wasn't--the knife wasn't pointed  
18 down. It wasn't pointed up at the sky. It was  
19 pointed to the side. It was pointed--you know,  
20 with the edge part directly out between his waist  
21 and probably his chest.

22 SGT CRUDO: And where was that blade  
23 pointed at?

24 OFFICER MELLONE: It was pointed in the  
25 direction that he was running.

1 SGT CRUDO: Which was--  
2 OFFICER MELLONE: Towards where Sergeant  
3 Steger was standing.  
4 SGT CRUDO: Does his gait--up to the point  
5 that he--you guys end up shooting at him, does--  
6 does his gait change? Is that the gait that now  
7 he's--he's using or does--does his gait--does his--  
8 does his manner of movement--will it change--  
9 OFFICER MELLONE: No.  
10 SGT CRUDO: Okay. How far away--when he's  
11 up on his feet--when he's finally fully up on his  
12 feet, how far away--is he from Sergeant Steger?  
13 Using whatever kind of measure is--  
14 OFFICER MELLONE: I think he was able to--  
15 SGT CRUDO: Is he--  
16 OFFICER MELLONE: Because we actually  
17 retreated a little bit. We took a step--few step--  
18 as he started running at us--um--we took a step--a  
19 few steps back. Um. But I think he was able to  
20 close about half the distance between us before we  
21 were able to stop the threat.  
22 SGT CRUDO: What I'm asking is, when he's  
23 on his feet, so when he's standing up, probably--  
24 you can correct me if I misunderstand you but--  
25 before you recognize it, you're gonna be

1 retreating. Before you begin to retreat. What--  
2 what is that distance?

3 OFFICER MELLONE: I think it's about 20  
4 feet.

5 SGT CRUDO: Okay. So he begins his charge  
6 about 20 feet from--

7 OFFICER MELLONE: Think so.

8 SGT CRUDO: Sergeant Steger.

9 OFFICER MELLONE: Yeah. If not less.  
10 'Cause I--I think Sergeant Steger was a little bit  
11 closer but I'm--I'm not 100 percent sure.

12 SGT CRUDO: And so again, he's--5 or 6 feet  
13 to your right, closer to the curbside, slightly  
14 ahead of you, maybe to one o'clock position?

15 OFFICER MELLONE: Yes.

16 SGT CRUDO: About 20 feet away from the  
17 suspect?

18 OFFICER MELLONE: Yeah.

19 SGT CRUDO: Okay. Um. How far out onto  
20 the sidewalk has the suspect moved by the time he's  
21 charging at Steger? Sergeant Steger?

22 OFFICER MELLONE: He--

23 SGT CRUDO: He hit all the way curbside by  
24 the time he was on his feet. Was he right--and,  
25 uh, property line right about where he was sitting

1 or do you remember? When you recognized he was on  
2 his feet and charging Sergeant Steger?

3 OFFICER MELLONE: Um, I think that he's able  
4 to get closer to the street on--on the sidewalk.  
5 Uh, he's not closer to the building line 'cause  
6 that's where I was. And I very--very clearly  
7 remember him running to my right. So--uh--I--I  
8 would say that he was closer to the street?

9 SGT CRUDO: And you--you mentioned that  
10 both you and Sergeant Steger retreating once this--  
11 this charge is happening. Um. And who's moving  
12 faster? The suspect or the Sergeant?

13 OFFICER MELLONE: The suspect. [LAUGH]

14 SGT CRUDO: Um. On page 33 of your  
15 Homicide interview, you say that--um--the suspect  
16 advanced, as you're talking about here, half the  
17 distance, but closed--he got within 10 to 12 feet  
18 of Sergeant Steger and that's approximately when  
19 you fired at him. Is that correct?

20 OFFICER MELLONE: Yes.

21 SGT CRUDO: I'm going to go through this  
22 and bear with me but--other than your firearm, the  
23 Department authorizes a number of forced options.  
24 So I want to kind of go through these and from your  
25 perspective, um, discuss how--whether or not they

1 may have been reasonable in this situation. So  
2 going through the options that are authorized in 5-  
3 -5.01, can you address the suitability of each in  
4 this moment? Verbal commands?

5 OFFICER MELLONE: They had failed.

6 SGT CRUDO: Okay. Physical controls, were  
7 they reasonable--reasonable alternative option at  
8 this point?

9 OFFICER MELLONE: No. I was not comfortable  
10 with getting, uh--going hands on with somebody  
11 holding a very large knife and acting erratically.  
12 [CLEARS THROAT]

13 SGT CRUDO: OC. Pepper spray is the common  
14 vernacular but OC.

15 OFFICER MELLONE: No. Uh, we were not close  
16 enough to--to effectively use OC.

17 SGT CRUDO: Baton?

18 OFFICER MELLONE: No, we were too--uh, we  
19 weren't close enough.

20 SGT CRUDO: Carotid restraint.

21 OFFICER MELLONE: No. That would have  
22 required me to go hands-on with somebody holding a  
23 large knife.

24 SGT CRUDO: And then so you utilized your  
25 Department-issued firearm. Why did you fire?



1           OFFICER MELLONE:       Um. Well, the, uh, uh,  
2 the less lethal had failed. And, uh, we were--we  
3 were now confronted with a--a lethal threat where  
4 he was charging at us with the knife. It was a  
5 large knife. Um. There was no doubt in my mind  
6 that he was going to stab one or both of us. And  
7 inflict serious injury and/or kill us. And then I  
8 had--the additional concern that there were  
9 individuals, pedestrians and other people, in the  
10 street that could be harmed by this person if he  
11 were to, uh, overcome us or get--or get away. And  
12 that he presented a serious risk of death or great  
13 bodily injury to not only myself, Sergeant  
14 [Stenger]--Steger, but other people that were  
15 present.

16           SGT CRUDO:       I've asked this question  
17 earlier, with respect to the ERIW. Um. But--um,  
18 the Ninth Circuit really expects [the one  
19 feasible]. Uh, do you recall if anyone  
20 specifically gave the suspect a warning prior to  
21 firing your handgun and what was it or why not?

22           OFFICER MELLONE:       Um. There was--there was  
23 no--aside from "drop the knife", you know, and  
24 giving him those other repeated verbal commands,  
25 uh, there was no warning, you know, that we were

1 gonna shoot, you know, to--the--that--that he was  
2 gonna be shot because he was actively, uh, at--what  
3 I--what I believed to be a full speed charging at  
4 us with the knife. Um, there was no time to give  
5 any additional commands.

6 SGT CRUDO: And can you describe for me--  
7 the positioning of yourself, Sergeant Steger, and  
8 the suspect at the time you fired?

9 OFFICER MELLONE: Uh, so I was to the left  
10 of Sergeant Steger and, um, when I fired, I--I--  
11 was--I had to fire one-handed because I was holding  
12 the ERIW in my left hand. And so I drew one-handed  
13 and fired one-handed. And, um, there was this--  
14 kind of narrow cone where I felt it was safe to  
15 fire at him because I knew Sergeant Steger was to  
16 my right. And also the street. So--um--I--I think  
17 I began firing kind of--in this general direction  
18 because he was running to my left so I was--would  
19 be firing--

20 SGT CRUDO: So you're--you're here. M2 is  
21 where you--where the--ERIW.

22 OFFICER MELLONE: Yeah.

23 SGT CRUDO: And then--then you retreat  
24 somewhat, you said.

25 OFFICER MELLONE: Yes. And then I

1 transition. I one-handed draw my--uh, pistol.

2 And--I could see that he's--you know, he's running  
3 in this direction so I--am firing in this  
4 direction. And then, uh--

5 SGT CRUDO: Am I--am I correct in--in  
6 understanding that you--you--if you're here for the  
7 ERIW, you're further north when you fire your  
8 firearm?

9 OFFICER MELLONE: Yeah, I think, I--I--I'm  
10 almost positive that I took a few steps back.  
11 Maybe three, four steps, if not more, back because  
12 I saw him running at us.

13 SGT CRUDO: And he--he--if you want to draw  
14 just sort of a--a line to indicate the suspect's,  
15 at least initial, path.

16 OFFICER MELLONE: Yeah. I think he--ran--  
17 like this, I want to say?

18 SGT CRUDO: Okay. And then where was, uh,  
19 Sergeant Steger when you fired?

20 OFFICER MELLONE: He was in this area, I  
21 think? Or underneath the tree.

22 SGT CRUDO: And that's when you opened  
23 fire? Is at that point?

24 OFFICER MELLONE: Yeah, when I saw that he  
25 was running at him with the knife, I--transitioned

1 and started, uh, firing at him in this--this--this  
2 direction, I believe.

3 SGT CRUDO: You--and--but just for--for the  
4 record, 'cause you're--you're drawing a line and  
5 then there--

6 OFFICER MELLONE: I'm sorry.

7 SGT CRUDO: Further back from the M2.

8 OFFICER MELLONE: Yeah, it's gonna be  
9 probably from the--little bit further back.

10 SGT CRUDO: You can--just put an M3 there.  
11 So from M3 and--and--I haven't had you marking  
12 Sergeant Steger's position but again, he is  
13 slightly--he's to your right several feet.  
14 Slightly in front of you to approximately one  
15 o'clock position still?

16 OFFICER MELLONE: Yeah.

17 SGT CRUDO: Okay. With the suspect at this  
18 point coming directly at it with a knife pointed  
19 out?

20 OFFICER MELLONE: Yes.

21 SGT CRUDO: Okay. Do you know how many  
22 times you fired at the suspect?

23 OFFICER MELLONE: Four.

24 SGT CRUDO: Did you ever acquire sights or  
25 were you point shooting?

1           OFFICER MELLONE:     I don't remember looking  
2 at my sights. Um. But I would imagine that my--my  
3 training probably had me looking at them. [LAUGH]  
4 It's kind of hard to say. I--I--I thought I was  
5 point shooting but, you know, in some of the  
6 debriefings, it's been brought to my attention that  
7 I was likely using my sights but was not aware of  
8 it.

9           SGT CRUDO:         How was that brought to your  
10 attention?

11          OFFICER MELLONE:     Just that that's common in  
12 this type of situation, where people--it was  
13 brought to my attention that people often say that  
14 they didn't look at their sights but they--that's a  
15 stress response? But usually they do.

16          SGT CRUDO:         Okay. So--what was it that you  
17 were shooting at?

18          OFFICER MELLONE:     Um, I was shooting at the  
19 individual, uh, the large--you know, the largest  
20 mass of his body. I believe that I was shooting at  
21 his torso.

22          SGT CRUDO:         You touched on your backdrop a  
23 little bit. You said you had this cone where the  
24 street side--can you--can you describe the backdrop  
25 that you recall when you fired?

1 OFFICER MELLONE: Yeah, the backdrop was a,  
2 um, pick-up truck? I think it was white. And it  
3 was unoccupied. And it was parked on the east curb  
4 line of Shotwell.

5 SGT CRUDO: Do--do you know, um, did you--a  
6 sequence of fire in terms of you and Sergeant  
7 Steger, did you fire first? Did he fire first?  
8 You fired at the same time? Do you--did--were you  
9 aware of it?

10 OFFICER MELLONE: Yeah, I'm--I think that--I  
11 think that Sergeant Steger fired first 'cause I had  
12 to do that transition.

13 SGT CRUDO: And you--you've touched on this  
14 a little but, you know, for clarity, were you  
15 moving or did you move as you fired?

16 OFFICER MELLONE: No. Aside from that  
17 initial, you know, few step, uh, back-pedal.

18 SGT CRUDO: So you--you had like a fixed  
19 platform, for lack of a better word.

20 OFFICER MELLONE: Yes.

21 SGT CRUDO: Okay. What was your intention  
22 when you fired?

23 OFFICER MELLONE: Uh, I wanted to stop, uh,  
24 the threat of this person, uh, charging with the  
25 knife?

1 SGT CRUDO: Was it your intention to kill  
2 him?  
3 OFFICER MELLONE: No.  
4 SGT CRUDO: When did you stop firing?  
5 OFFICER MELLONE: Uh, when I saw that the  
6 threat had stopped.  
7 SGT CRUDO: What did you see to tell you  
8 that the threat stopped?  
9 OFFICER MELLONE: He went to the ground.  
10 SGT CRUDO: Some of the questions I just  
11 asked, but a different, why did you stop firing?  
12 OFFICER MELLONE: I no longer felt  
13 threatened. He was no longer, uh, charging at us.  
14 He still had the knife when he went to the ground,  
15 um, but he--had completely stopped and was laying  
16 on his back. He no--he no longer appeared to be  
17 in, uh, like he was gonna stab either--either one  
18 of us.  
19 SGT CRUDO: And you--you kind of touched on  
20 the next thing I wanted to ask you, so--um--was the  
21 suspect still a threat? Was there--was there--were  
22 you still fearful of the--of the suspect after  
23 firing? After you stopped firing?  
24 OFFICER MELLONE: It--it was very clear to  
25 me that he was seriously wounded. But he did still

1 have the knife in his right hand when he went down  
2 to the ground. Um. I was not--not to the point  
3 where I felt like I had to continue firing. But I  
4 obviously was still concerned that--he still was  
5 holding onto this knife in his right hand and--you  
6 never know.

7 SGT CRUDO: So you--you talked about this--  
8 the--the suspect's now down. He's on his back.  
9 Um. Weapon is in his right hand. Did you see what  
10 happened to it? What happened to his weapon?

11 OFFICER MELLONE: Um, I did not see what  
12 happened to it. I--I found out later. But I did  
13 not see what anybody did with that.

14 SGT CRUDO: Did--did you see, uh, at the--  
15 did you notice it after the shooting at the scene  
16 before you left?

17 OFFICER MELLONE: Yes. It was on the  
18 sidewalk.

19 SGT CRUDO: Where'd you see it?

20 OFFICER MELLONE: It was on the sidewalk a  
21 few feet away from where he was being, uh--tended  
22 to by, uh, Fire.

23 SGT CRUDO: Can you describe approximately  
24 where that was? Was it not--south, north--

25 OFFICER MELLONE: It was--



1 SGT CRUDO: East, west of him or--  
2 OFFICER MELLONE: It was--uh--  
3 SGT CRUDO: You can use this to help you  
4 kind of orient.  
5 OFFICER MELLONE: Yeah, it--  
6 SGT CRUDO: The number 2.  
7 OFFICER MELLONE: I want to say it was about  
8 5 feet south of where he was when it was--it--it  
9 was removed from his hand.  
10 SGT CRUDO: So where--where he came right--  
11 okay. And then by this time are you aware of  
12 Officer Perez on scene?  
13 OFFICER MELLONE: Yes.  
14 SGT CRUDO: How? How--how were--how did  
15 you become aware? Did you--  
16 OFFICER MELLONE: I saw him.  
17 SGT CRUDO: Oh, you just--  
18 OFFICER MELLONE: Saw him on the--  
19 SGT CRUDO: Just--just visual?  
20 OFFICER MELLONE: Hm-hmm.  
21 SGT CRUDO: Um, did you--or did anyone else  
22 to your knowledge, render aid to the suspect and--I  
23 mean, prior to firefighters. I'm talking about the  
24 police on scene initially.  
25 OFFICER MELLONE: Uh, I don't recall if--I

1 didn't recall--I didn't render any aid to him. Uh,  
2 aside from calling for an ambulance.

3 SGT CRUDO: And then you--you touched on  
4 this a little bit in your Homicide interview, you  
5 said you actually--and you've described being aware  
6 that you had a fire station--Fire Station 7 around  
7 the corner. Um. You said that you went to the  
8 fire station. Is that correct?

9 OFFICER MELLONE: No.

10 SGT CRUDO: Okay. I misunderstood you  
11 then. All right. So you went on the radio and  
12 requested EMS.

13 OFFICER MELLONE: Yeah, I told them the  
14 scene was secure and they literally walked up  
15 within thirty seconds or less.

16 SGT CRUDO: So they had already staged an  
17 area on their own?

18 OFFICER MELLONE: I don't know if they were  
19 staged already. I was really surprised at how  
20 quickly they walked up after the fact. I don't  
21 know if they--I--think they--they may have heard  
22 the shots. But it's--it's an assumption of mine.  
23 But they were on scene within a--less than a minute  
24 of requesting them.

25 SGT CRUDO: So, um, CAD's here and there--

1 there's--there's a--time where you radioed it as  
2 Code 4 and it's within, you're saying, 30 seconds  
3 that those first guys, the first firefighters were  
4 walking up.

5 OFFICER MELLONE: Yes.

6 SGT CRUDO: Okay. And then some time, a  
7 moment or two later, the engine, the medics, their-  
8 -their vehicles show up on scene?

9 OFFICER MELLONE: Yes.

10 SGT CRUDO: Do you recall how long it was--  
11 Officer Perez notwithstanding. Do you recall ho w  
12 long it was, um, when the next SFPD units arrived  
13 on scene?

14 OFFICER MELLONE: Seconds.

15 SGT CRUDO: Other than Sergeant Steger,  
16 when were you aware that there was a supervisor on  
17 scene?

18 OFFICER MELLONE: Uh, when Sergeant Aloise  
19 was there.

20 SGT CRUDO: Was--was he among the first to  
21 arrive on scene?

22 OFFICER MELLONE: Yes.

23 SGT CRUDO: And did you provide a public  
24 safety statement?

25 OFFICER MELLONE: Yes.

1 SGT CRUDO: To whom?  
2 OFFICER MELLONE: Sergeant Aloise.  
3 SGT CRUDO: And then having provided that,  
4 how long were you on scene, until you were removed  
5 from scene?  
6 OFFICER MELLONE: Uh, 15 minutes or less.  
7 SGT CRUDO: And then were you separated or  
8 monitored, uh, after giving your public safety  
9 statement?  
10 OFFICER MELLONE: Both.  
11 SGT CRUDO: Who monitored you?  
12 OFFICER MELLONE: Uh, there was a CERT  
13 member, Officer Medina, and then she was relieved  
14 by, uh, Sergeant Sean Frost.  
15 SGT CRUDO: And did Me--Officer Medina  
16 transport you back to Mission Station?  
17 OFFICER MELLONE: Yes.  
18 SGT CRUDO: Did you suffer any physical  
19 injuries as a result of this incident?  
20 OFFICER MELLONE: No.  
21 SGT CRUDO: Has the incident impacted you  
22 in other ways? Loss of sleep, appetite, uh, any--  
23 any--anything that you're--  
24 OFFICER MELLONE: No.  
25 SGT CRUDO: And then you said you're CIT

1 trained. Was your CIT training applicable in this  
2 situation?

3 OFFICER MELLONE: Uh, the CIT training--is  
4 always applicable but, uh, when--when faced with a  
5 subject that was actively armed with a knife, and  
6 with the observed behavior, um, I had to resort to,  
7 uh, my training because it pertains to, you know,  
8 safe containment of--of an armed subject first and,  
9 um, those attempts failed and the suspect, uh,  
10 quickly assaulted us with the knife so we weren't  
11 able to, uh, engage in much CIT, um, techniques  
12 because we were now being threat--faced with a  
13 deadly threat.

14 SGT TOOMER: Uh, I got noth--nothing.

15 SGT CRUDO: Don?

16 POA ATTY REP NOBLES: Um, had you ever had  
17 the occasion to use C--your CIT training  
18 [UNINTELLIGIBLE] to the events that occurred here?

19 OFFICER MELLONE: Yes. The day before we  
20 went to a person armed with a knife call and we  
21 were able to, uh, bring her to crisis, uh, through  
22 crisis intervention, bring her to a psychiatric  
23 facility. We--I use the CIT training all the time.  
24 Uh, on an almost daily basis. Um. We respond to  
25 these calls frequently and are able to get people

1 to psychiatric help or to referrals. This--this  
2 incident was very different 'cause we had the  
3 deadly threat.

4 POA ATTY REP NOBLES: That's all I have.

5 SGT CRUDO: Okay. Officer Mellone, is  
6 there anything else regarding this incident and the  
7 investigations that we have not covered that needs  
8 to be added?

9 OFFICER MELLONE: No.

10 SGT CRUDO: Is there anything stated during  
11 the interview that needs to be changed or  
12 clarified?

13 OFFICER MELLONE: No.

14 SGT CRUDO: All right, if, uh, after you  
15 leave this interview, if you do recall anything  
16 that differs from or is in addition to you've  
17 provided today, I'm ordering you to provide that  
18 information to me as soon as practical. Do you  
19 understand?

20 OFFICER MELLONE: I do and I will.

21 SGT CRUDO: Okay. Uh, you may discuss this  
22 matter with your representative, as you wish,  
23 otherwise I'm going to order you not to discuss any  
24 portion of this investigation with any other  
25 Department employee. Do you understand this order?

1           OFFICER MELLONE:     I do.  
2           SGT CRUDO:         All right. I'm gonna conclude  
3 the interview. The time is one o'clock in the  
4 afternoon.  
5           **END OF DOCUMENT**